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VOTING SYSTEMS PANEL MEETING

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1500 11th STREET

SACRAMENTO, CALIFORNIA

JULY 25, 2002

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1 SACRAMENTO, CALIFORNIA, JULY 25, 2002

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3 MR. JENNINGS: We'll start this meeting of the Voting  
4 Systems Panel. My name is Bob Jennings. I am the Chairman  
5 of the VSP.

6 Let me introduce, if I can, the members of the VSP  
7 who are here today. Off to my far left is Steve Trout, who  
8 is counsel with the elections division here at the Secretary  
9 of State's office.

10 To my immediate left is Chon Gutierrez, who is the  
11 assistant secretary for operations.

12 On my immediate right, John Mott-Smith, who is the  
13 chief of the elections division.

14 And on the far right Chris Reynolds, who is our  
15 assistant secretary for legislative and constituent affairs.

16 We also have an advisory committee. We have a couple  
17 members here and present. Let me introduce first Michele  
18 Townsend from Riverside County. Thank you for being here,  
19 Michele. And Ernie Hawkins, who is the registrar of voters  
20 for -- what full title is that --

21 MR. HAWKINS: That's close enough.

22 MR. JENNINGS: Okay. Ernie Hawkins with Sacramento  
23 County. I understand that with you is your assistant  
24 registrar of voters, Joel Levene. Is it Levene or Levine?

25 MR. LEVINE: Levine.

1           MR. JENNINGS: We also have Lou Dedier, who is our  
2 staff assistant who has become a voting systems expert and  
3 someone we rely upon very heavily.

4           And, Lou, we appreciate all the hard work you have  
5 been doing.

6           We also have with us Balinda Dunlap with Peters  
7 Shorthand, and she'll be recording the minutes of the  
8 meeting.

9           So if you do comment, would you please introduce  
10 yourself prior to any comments you might make so she can have  
11 that for the record.

12          I want to begin this meeting by first complimenting  
13 -- for the record, I want to compliment John Mott-Smith and  
14 his staff for the work that has been done with respect to the  
15 actions that resulted at the meeting of the Voting  
16 Modernization Board. Let's see. What date was that? We've  
17 had so many meetings. 17th. On the 17th of this month.

18          I think it is unprecedented, perhaps, in modern  
19 government history to have a vote taken by the people on  
20 March 5th of this year and to have in place a system and  
21 procedures that are now being followed and an application  
22 that was mailed to all the counties for funding through the  
23 Prop 41 funds.

24          And to have a formula that's been approved by the  
25 Board and have all that action taken in this very, very short

1 period of time, I mean, it's amazing. I have been very  
2 pleased with the Voting Modernization Board's position. And  
3 the members themselves have taken this on as a very serious  
4 task. And John Perez has done a marvelous job as chairman of  
5 running the meetings. And I think it may go down in history  
6 as something that's unprecedented, really, in terms of, one,  
7 I could not believe just yesterday, getting a copy of the  
8 applications and the forwarding documents to the counties.

9 These applications are now going to be arriving at  
10 the County levels today and tomorrow. It is just amazing  
11 that they can begin to fill those out, have them back by the  
12 new deadline, which is September 3rd, giving them a little  
13 longer time to prepare those applications.

14 But then a final decision being rendered by the  
15 Board, and that's scheduled for September 16th. So funds  
16 will be rolling out of here, out of the State and to the  
17 counties in a very quick period.

18 Again, I compliment you, John, and Lou, and your  
19 entire staff for the work they have done on this.

20 MR. MOTT-SMITH: Thank you.

21 MR. JENNINGS: I want to mention, too, the work of  
22 the advisory committee. Our advisory committee has tried to  
23 combine their work with respect to analysis of systems that  
24 are being considered for certification here before the VSP.

25 They have tried to combine that meeting with

1 attendance at the VMB meetings. Don't get this all confused.  
2 We have V and Ss, Bs and S and Ps and all that.

3 But the Voting Modernization Board has been meeting  
4 and trying to tie together their work so that they don't have  
5 to make two or three trips up here to complete their advisory  
6 committee work. It has really been, I think, a hardship on  
7 the advisory committee members to try to cram all that into  
8 one -- into one day, if you will.

9 So I want to compliment the members who are present  
10 here today and the entire committee, for the record, on the  
11 hard work that they have done with respect to analyzing the  
12 new systems that are before us and submitting their comments,  
13 which have been very helpful.

14 I am wondering, however, if there might be a little  
15 better approach here so they can spend a little more time  
16 with each system and really have some kind of a comfort zone  
17 with respect to a complete analysis that they might be able  
18 to present.

19 So I am asking Lou if there might be a way we can  
20 work this out so that that time period is not so shortened in  
21 terms of the amount of time they can spend with these new  
22 systems, if we might maybe even schedule a date before or  
23 maybe the date after or something like that.

24 So you might look at that and work with the advisory  
25 committee and be comfortable that they have enough time to

1 fully analyze each of these systems.

2 With that, we'll proceed with the agenda. The agenda  
3 before us, the first item of consideration is the Hart Ballot  
4 Now Electronic Voting System. I'll refer to Lou for his  
5 report.

6 MR. DEDIER: Hart came, basically, with an  
7 application in October, is when their application started.  
8 And basically we looked at the E-Slate, was the operation of  
9 the overall system. That's the front-end software, is the  
10 E-Slate, runs off the same software for the Ballot Now.

11 What we did was it was a different technology than  
12 has ever been seen in California and actually used in many  
13 cases throughout the United States. It was used in Texas,  
14 but hadn't really been expanded. Me and Robert Nagely viewed  
15 it in Texas. We did testing in Anaheim at the California  
16 Courts Association.

17 We provided testing to the advisory committee.  
18 Basically we redesigned the entire ballot. The ballot is  
19 what California format should be. Martin Chapman has already  
20 applied to be the manufacturer of the ballots. So we have  
21 somebody that has experience in the ballot manufacturing.

22 The Hart system was demoed to you. Basically it  
23 meets all the election codes. What we'd like to do is staff  
24 would like to recommend the approval of the systems, but with  
25 the following conditions: The Ballot Now system must notify

1 the VSP so, therefore, if the system's to be used in  
2 California, the advisory committee and SOS staff and any  
3 member of the panel would like to attend can attend to see  
4 the first full running of the actual election.

5 They must notify the SOS of any county that wishes to  
6 purchase the system, and basically make sure that the county  
7 is aware that they will have to be certified as a ballot  
8 printer if they go to purchase such a system.

9 The system can only be used at the county level. We  
10 are not going to allow ballots to be printed in the precinct  
11 level. It will be used as an absentee system. So it is not  
12 going to be used as a precinct voting system. They are not  
13 going to print ballots and put them out to the polling places  
14 and have that as an alternative.

15 This is a system that is part of the Hart E-Slate, so  
16 they have a full sweep of products to sell. If they are  
17 willing to meet those criteria, we can see no reason why they  
18 shouldn't be certified, and we recommend certification based  
19 on the information.

20 And then we also encouraged the vendor, they do have  
21 a new software that is going to enhance their product. And  
22 at the same time we ask that the vendor bring that software  
23 forward so it can benefit the counties in California.

24 MR. JENNINGS: Thank you, Lou. Any comments or  
25 questions from the members of the panel?

1           MR. REYNOLDS: What is certification as a ballot  
2 printer? Is it statutory, regulatory or both?

3           MR. DEDIER: Both. Certification as a ballot printer  
4 means they are going to basically get manufactured ballot  
5 stock from Martin Chapman. They are going to have to report  
6 and record on that to the Secretary of State.

7           At the same time they should have the ballots printed  
8 in what they consider a proper room, and they will be subject  
9 to inspection by the Secretary of State's office, meaning  
10 they are going to get a visit from me at least once a year to  
11 inspect their facility and operation.

12           They need to have a locked and secure room. They  
13 need to have the proper humidity and controls in the air  
14 system. They can't just print in the open air out in the  
15 front lobby.

16           We are going to make sure they are in a secured room  
17 and area where the public can't grab at them. Basically all  
18 the criteria is met as far as inks, printers, quality  
19 controls.

20           When they first become a ballot printer or apply with  
21 the Hart system, what they will do is they apply to the  
22 Secretary of State. We'll go out and look at the system.  
23 We'll match that system with what the printer should be.  
24 We'll have approved sample ballots, run those with the Hart  
25 system to ensure that the ballots that they can produce will



1 be able to run and go on that system with no problems.

2 If they meet that criteria, we'll recommend  
3 certification to the Secretary. At that point the Secretary  
4 can certify if they are a ballot printer. Once they become a  
5 ballot printer, then they are subject to reporting and  
6 current inspection, anytime drop-in inspections or yearly  
7 inspection.

8 MR. GUTIERREZ: Mr. Chairman, I have a couple  
9 procedural questions that I can direct to you. When we  
10 recommend to the Secretary the certification of the system,  
11 we certify that it meets the statutory requirements?

12 MR. JENNINGS: Correct.

13 MR. GUTIERREZ: If there are -- if it doesn't, then  
14 we don't certify that. So I am thinking in the case of the  
15 ballot printing features, we are not certifying that element;  
16 is that correct?

17 MR. DEDIER: You're certifying the system and the  
18 operation, but not the printing of the ballots.

19 MR. GUTIERREZ: Okay. So it really isn't a  
20 condition. We are just not certifying the printing site?

21 MR. DEDIER: That will be kept separate and  
22 controlled independently by the Secretary of State by an  
23 ongoing inspection. They don't get carte blanche to  
24 continue. They are constantly subject to routine inspections  
25 and reports.

1           MR. GUTIERREZ: Again, just focusing on process, we  
2 are approving -- we are not approving them for ballot  
3 printing purposes?

4           MR. DEDIER: Exactly.

5           MR. GUTIERREZ: In order to do that, do they have to  
6 come back to the Board again and be noticed and go through  
7 the process, or how do we handle this? It seems to me two  
8 different systems completely.

9           MR. JENNINGS: How many ballot printers do we have in  
10 the state that have been certified?

11          MR. DEDIER: Seven.

12          MR. GUTIERREZ: What process do we use on those?

13          MR. DEDIER: Basically once they are approved, we run  
14 them through a testing with the vendor to make sure they can  
15 produce ballots that will run through the system. And if  
16 they meet that, then we go through a certification, and they  
17 are constant to inspection. They report regularly to the  
18 Secretary of State's office.

19          Right now the County could apply to become the  
20 certified ballot printer, but at the same time Martin Chapman  
21 is also going to apply to become a certified ballot printer  
22 to produce those for the County.

23          The County could have an option -- I think where the  
24 system will really come into play is a county that uses this  
25 system on a large run of ballots will run through Martin and

1 Chapman. They will under order the ballots. Currently they  
2 have to over order. They will under order and then be able  
3 to produce them on demand at the county.

4 You come in and get an absentee. They will produce  
5 it for you. Let's say I ask Connie McCormick -- like, in San  
6 Francisco, when they did have ballots on the first day where  
7 they opened the poles for early voting. They didn't have  
8 ballots available.

9 This would have been a huge resource, to have the  
10 ballots available at their level.

11 MR. GUTIERREZ: But in terms of the process itself --

12 MR. JENNINGS: I think that to maybe clear up the  
13 confusion part, Chon, to that part that might be confusing,  
14 the ballot printers don't come through this body with respect  
15 to request for certification. It goes exactly through the  
16 elections division.

17 MR. GUTIERREZ: Okay. So that answers that one.

18 The notion of limiting the application to quit the  
19 county absentee ballots, specifically prohibiting their use  
20 at the polling place, clarify that for me again, with drawing  
21 that distinction.

22 MR. DEDIER: We are. Because what we didn't want to  
23 do is cause the county to be able to produce ballots and put  
24 them out to the polling place location. We weren't marketing  
25 it being an optical scan. We wanted a controlled environment

1 with the optical scan. We didn't want to give the impression  
2 that optical -- that ballots on demand could be printed at a  
3 precinct location.

4 MR. GUTIERREZ: Because the county has the ability to  
5 certify?

6 MR. DEDIER: Exactly. Because I would have to go out  
7 and certify 5,000 locations for ballot printing which would  
8 be absolutely breaking on the security.

9 MR. GUTIERREZ: Okay. I had one more procedural. If  
10 it comes back, then I'll interrupt the proceedings.

11 MR. JENNINGS: I have a question. Did Hart actually  
12 request this as an absentee ballot system rather than general  
13 print on demand system?

14 MR. DEDIER: They had requested it as a print on  
15 demand system. First it was absentee, then print on demand.  
16 What we'd like to do is limit it to an absentee.

17 Once the product comes and everybody's comfortable  
18 with the product out in use, at that time we could probably  
19 entertain the idea of coming back and saying they would like  
20 to apply to let this go into the precinct level, not  
21 printing, but use as a paper system.

22 I think at this time we need to go in small steps,  
23 because it is new technology and security issues. This gives  
24 them the ability to be able to market their product out in  
25 the counties. But at the same time it lets us protect the

1 security and lets technology not overrun us.

2 MR. GUTIERREZ: I recall my last question. The  
3 notice requirement, do we have that notice requirement of any  
4 other product, any other vendor, your recommendation No. 1,  
5 that they give notice?

6 MR. DEDIER: We do put that notice out there for each  
7 one, so they notify us prior so we can attend. The idea  
8 behind this is make it a little more open. Usually the  
9 election division --

10 MR. GUTIERREZ: I think it makes a lot of sense.  
11 Kind of spreads you all over the state, but at least you  
12 continue to be aware of what's going on.

13 And lastly, where are they marketing this product, a  
14 particular county that is interested?

15 MR. DEDIER: Right. Now Shasta and Orange and San  
16 Diego have all been looking at this product very heavily. At  
17 this time nobody has chosen to use it, but each county has an  
18 RFP. But there are counties that are tremendously  
19 interested.

20 The idea behind the ballot on demand is you are going  
21 to see -- Hart will be the first one to break the mold. Even  
22 later today you are going to see another ballot on demand  
23 system. This seems to be the way technology is moving  
24 because of the cost of resources and given the election  
25 official new tools and abilities to actually run an election

1 efficiently where they don't have to over order product or  
2 rely on a third-party source to deliver a product to run an  
3 election.

4 MR. GUTIERREZ: I think this is a very nice document.  
5 Is this the first time we are seeing it?

6 MR. DEDIER: Uh-huh. Those are the advisory  
7 comments. And what we are doing is the advisory comments, we  
8 give the advisory a rough list of questions. And what we are  
9 doing is giving them a guideline. So, in other words, they  
10 are not led into an advisory committee blind. They are not  
11 just dropping them off with the equipment. That's just a  
12 guideline for them to look at.

13 They can make additional comments. They can expand  
14 on their answers. They can look for anything they want. We  
15 are trying to give them the tools as the advisory body to  
16 guide them through the process in things that we feel are  
17 important to look at. We can test the equipment technically,  
18 but they know the operation of the equipment in the counties.  
19 I am not a user, they are. I am a tester.

20 MR. GUTIERREZ: Very nice. Thank you.

21 MR. JENNINGS: Just for the general record, will you  
22 explain, the ballot printer would then print ballots with  
23 unique numbers on each sheet?

24 MR. DEDIER: Yes. That inventory is maintained by  
25 the county, and also we are supplied a record of exactly how

1 many ballots were printed and sent to -- I should say blank  
2 ballots, not that they are blank sheets, with a number on  
3 their ballot stock. Then the county is responsible for  
4 maintaining, as the ballot printer, the inventory and also  
5 the record with respect to any that are used, damaged or  
6 whatever so that we can go in and do an audit and track every  
7 individual ballot that was sent, to the pieces of ballot  
8 stock that were sent to them.

9 What we did is worked with Martin and Chapman and  
10 Hart and sat down in a meeting with them. What we did is  
11 redesigned a ballot. California wanted to place a number on  
12 the ballot. Since Sacramento's here, I'll use them as a  
13 guinea pig, so to speak. They order ballots.

14 Let's say they purchase the Hart system. They order  
15 ballots to be at that location. They would order them from a  
16 certified ballot manufacturer. They wouldn't be a ballot  
17 manufacturer without a water mark. They would order them  
18 from Martin Chapman, 500 or 1000.

19 On that would be a small number in the bottom, 0001  
20 to 1,000. At that 1,000 point, what they do is Martin and  
21 Chapman reports to the Secretary of State, "We released 1,000  
22 to 10,000 ballots to Sacramento County." Sacramento County  
23 is just like the process is now, they need to report "We  
24 received 10,000 ballots from Martin and Chapman. We used  
25 5,000 ballots. We spoiled 500 ballots in sample." In other

1 words, they are under the same requirements for the total  
2 report, and we keep track of that at the election committee.

3 So when I walk in to inspect the ballot record, say  
4 "According to our records, you have 25,000 on a sheet of  
5 paper. Can you produce those in a locked and protected  
6 room," and I walk in and look at them. I look at the  
7 inventory sheets, walk into their office and complex, and we  
8 check what's out and what's reported. We verify those  
9 numbers to what's been produced. We look at what's been  
10 spoiled and what's been ordered. So that way we have a total  
11 tracking of what's been used.

12 The idea behind Martin and Chapman being the ballot  
13 manufacturer is Hart will probably decide to do, and other  
14 people as the system improves, come forward and each one of  
15 those will be given a unique number for testing to make sure  
16 they can produce ballots.

17 But that unique number is placed on the bottom for  
18 State tracking.

19 MR. JENNINGS: Any other comments or questions from  
20 the members of the panel? If not, might I ask any members --  
21 sorry.

22 MR. MOTT-SMITH: From the first staff report we  
23 received proof of escrow?

24 MR. DEDIER: Yes, we have. The escrow is put with my  
25 name for the contact, and the Secretary of State. The reason



1     why we placed it into the Secretary of State's name, that way  
2     it remains in the department's name, not an individual's  
3     name. So, therefore, it is in the Secretary of State's name.  
4     I am the contact.

5             Additional staff can go in from the division that  
6     works for the Secretary of State. We placed that escrow in  
7     our legal division for Ken Davis to look at and make sure the  
8     requirements are met for California.

9             At the same time that is the certified escrow  
10    company. They are using the escrow company that the  
11    Secretary of State has currently certified and inspected this  
12    year.

13            MR. MOTT-SMITH: Another item on the previous staff  
14    recommendations was that they submitted procedures according  
15    to the California template. Have you received those  
16    procedures?

17            MR. DEDIER: Those procedures have currently been  
18    sent. We have not had an opportunity to review it. We just  
19    got them. I think what they are waiting for is to see if  
20    there's any changes that came out of the advisory committee  
21    testing. So that would also be a condition of the  
22    certification, that they must complete the procedures in a  
23    California template.

24            Those procedures would be forwarded to the VSP so the  
25    VSP can review them with a staff report with a recommendation

1 for full producing in California.

2 MR. JENNINGS: Anything else, John? May I ask if any  
3 of the members of the advisory committee wish to comment or  
4 have any questions?

5 MS. TOWNSEND: Is there going to be a minimum weight  
6 on the paper required, and is there going to be a secrecy  
7 holder that's to be used for absentee?

8 MR. DEDIER: The idea behind the absentee system, the  
9 paper will be a minimum 50-pound weight. Because we do have  
10 certifications. As someone applies for it, that will be part  
11 of their California style templates, that they will forward  
12 to the county the exact paper requirements from the  
13 manufacturer, that it would be a minimum of 50-pound weight.

14 We have seen in Texas they actually used a 20-pound,  
15 and Martin and Chapman believe 50-pound was about right. So  
16 at that time a 50-pound stock was set. We did test for  
17 bleed-through. We kind of went through every ramification  
18 you can go through on a ballot seeing if it would work and if  
19 it would not.

20 MR. JENNINGS: Do I have any comments from the  
21 general audience or questions with respect to the report from  
22 Lou? Well, hearing none --

23 MR. DEDIER: I do believe we have a member from the  
24 Hart staff, so maybe see if he wants to comment.

25 MR. SEEVER: My name is Jim Seever with Hart

1 InterCivic, and I just want to say we agree with the  
2 conditions set forth.

3 MR. JENNINGS: Thank you, Jim.

4 MR. GUTIERREZ: Mr. Chairman, I move staff's  
5 recommendation with the conditions one through four.

6 MR. JENNINGS: We also had a fifth condition, the  
7 procedures.

8 MR. GUTIERREZ: Thank you. With the five conditions.

9 MR. MOTT-SMITH: You would take verbatim out of the  
10 first staff report the wording?

11 MR. DEDIER: Yes.

12 MR. GUTIERREZ: And then add the fifth one?

13 MR. MOTT-SMITH: Would you also, Chon, be agreeable  
14 that we are required to make findings specified in the  
15 Elections Code that this meets certain statutory, etcetera?  
16 Could we insert the language of that finding into your --

17 MR. GUTIERREZ: Yeah, my recommendation would start  
18 with the words "It is the opinion of the elections division."  
19 So the answer's yes.

20 MR. MOTT-SMITH: Okay. What I'm actually asking for  
21 is the insertion of the exact language out of that code  
22 section into this motion so that we are making the required  
23 finding.

24 MR. DEDIER: We can do that.

25 MR. GUTIERREZ: That would be fine.

1 MR. JENNINGS: Is there a second to Chon's motion?

2 MR. MOTT-SMITH: Second.

3 MR. JENNINGS: Seconded by John Mott-Smith. Any  
4 further discussion? If not, we will go ahead and ask for the  
5 vote. All in favor of the motion signify by saying aye.

6 MR. REYNOLDS: Aye.

7 MR. MOTT-SMITH: Aye.

8 MR. JENNINGS: Aye.

9 MR. GUTIERREZ: Aye.

10 MR. TROUT: No.

11 MR. JENNINGS: All right. Move on to the second item  
12 on the agenda, which is consideration of the WinVote Touch  
13 Screen Voting System and the WinVote Ballot on Demand Optical  
14 Scan Voting System.

15 I was informed by Lou prior to the meeting that  
16 actually we'll only be considering the first item of that, or  
17 the first part of that item, which is consideration of the  
18 WinVote Touch Screen Voting System. And their vote on demand  
19 -- their vote ballot on demand optical scan system will  
20 actually be put off to the next meeting. Is that right, Lou?

21 MR. DEDIER: That is correct.

22 MR. JENNINGS: Well, then, I'll turn it over to you  
23 for your analysis.

24 MR. DEDIER: Back at the last meeting we had taken a  
25 look at the system. We had provided a full demonstration.

1 The system was tested by Robert Nagely and myself, basically,  
2 for a three-day period of running ballots. We ran a primary  
3 election. We ran a very small general election.

4 What we did is we focused more on the idea of what  
5 was in the wireless transfer. Because this is a wireless  
6 system. The system met all the requirements. They did  
7 testing with National Federation of the Blind. They provided  
8 user testing. They went for ramification of security  
9 testing. We were concerned with that, with the wireless  
10 system and how we can interface or basically break into that  
11 system.

12 So that was a lot of our focus with the new  
13 technology. We wanted to take a slow approach. We left this  
14 system actually up in the election systems set up for 20 days  
15 for people to vote on and play with. We ran it through the  
16 numerous testing, numerous groups, and basically they have  
17 met all the requirements. We cannot find anything wrong.

18 But at the same time I'd like to make a clarification  
19 of why we are splitting the systems apart. Currently there's  
20 many counties out here that have paper systems currently in  
21 their process. These vendors are breaking their systems  
22 apart because they might want to mix and match. They might  
23 want to only select an ERE system from the vendor versus  
24 paper.

25 I will tell you the paper system runs off the same

1 ballot generation software as the initial. So when you set  
2 up your software for the touch screen, it is also doing  
3 paper. Some of the new items that are added in that haven't  
4 been seen a lot is an automated ballot rotation. It gives  
5 the county the ability to place an alphanumeric notation for  
6 an automated system and basically put those sources out to a  
7 review prior to the election.

8 In addition, they can set up the language. And we  
9 are not saying set up the language that are not viewed. It  
10 sets up the language in multiple languages. If you are going  
11 to create the ballot in English, the system has the ability  
12 to create it in Spanish at the same time, but that's for an  
13 output to go to a translator to view the ballot and then come  
14 back in, make sure it is correct. Then it goes out on the  
15 screen.

16 If you were doing that in paper, the systems would  
17 produce the paper ballot in the same exact format as the  
18 touch screen. If you print the ballots on this machine, what  
19 it does is if you download -- when the election is over, if  
20 you came back in and said "I need to produce the entire  
21 election on paper," what the recommendations are from this  
22 company is you can produce it on the ballot stock.

23 In other words, paper stock that has a real mark on  
24 it and run it through your optical scan. That's a feature  
25 that it has. It might not be a feature that an election

1 official uses. There's many features in the new systems that  
2 come forward. They have been listening to what the election  
3 officials are saying and what they are dealing with in trying  
4 to create a product that can be useful to them.

5 At the same time the new technology allows the  
6 election official to load their ballots from one server. You  
7 can load all your ballot styles from one location, or you can  
8 choose to load them on a manual process. It is really up to  
9 the election official.

10 Every other process that checks along the way would  
11 still be there like any other systems, the checks and  
12 balances. It is just giving the election official a few more  
13 tools to do their job.

14 Basically we felt the system met all the  
15 requirements. We have had it in testing for quite a period  
16 of time. I still have two of the units back in the office.  
17 I plan on doing a display. They have the paper system  
18 currently here to display if you guys wanted to take a look  
19 at it. I'll let you take a look at it after the meeting if  
20 you want to take a look at the system that's being introduced  
21 on the paper side.

22 It is not up for certification. We are going to run  
23 that through the same testing as Hart was subjected to.

24 As far as the WinVote itself, we recommend  
25 certification with the following conditions: That the vendor

1 must let SOS know prior to any sell or install and will be  
2 present during the first running of such election. That  
3 procedures for the WinVote system shall be redesigned and  
4 meet California style template, and the procedure will be  
5 submitted to the SOS for review by staff with a report and  
6 forwarded to the VSP for approval.

7 The vendor is also reminded that any changes and  
8 modifications to this equipment need to be ran through this  
9 Board prior to being deployed or marketed to any county in  
10 California.

11 Other than that, basically, we recommend  
12 certification of the WinVote Touch Screen System.

13 MR. JENNINGS: Thank you. Do we have any questions  
14 or comments from members of the panel?

15 MR. MOTT-SMITH: I have a question. Would you mind  
16 going to the back chart here, and I have to get used to the  
17 new name, too, Advanced Voting Solutions.

18 Would you summarize the advisory panel's comments.  
19 In particular, were there any red flags or cautions that were  
20 raised?

21 MR. DEDIER: There were some issues and concerns  
22 towards security and the ability about printing precinct --  
23 results into the precinct. Currently the systems, we require  
24 that a precinct report be printed inside the machine.

25 Now, early voting is a different scenario. Early



1 voting has different templates that have been adopted by the  
2 Secretary of State. But on an average, the system has a  
3 printer inside the unit.

4 Some additional concerns was the function of the  
5 system, the wireless transfer, the reliability that the  
6 vendor has with regards to security. The advisory committee  
7 relies on the testing, as I said, the Robert Nagely and  
8 myself did as the security issues.

9 Security is a big concern on this system. We looked  
10 specifically at the security and the system, and we felt the  
11 security was very strong in the system. We tried  
12 manipulating the data. We tried backing off the data. The  
13 data doesn't change. The encryption worked.

14 So at the same time those are things that the  
15 advisory committee noted, which is good, because they are  
16 actually questioning the idea of what we do, which is a very  
17 smart comment.

18 In addition, the idea that a pole worker could  
19 possibly manipulate the system or outcome of the election,  
20 that's part of the encryption, and that's why we tested the  
21 encryption. And the encryption did work. There was no --  
22 myself nor Robert Nagely could bust into the system. And why  
23 they did so well, it is Cyber. Cyber looked at the Source  
24 Code, and Cyber looked to make sure that the securities of  
25 the system were intact.

1           One issue of it is the system. Even though they say  
2 it is wireless, I want to point out that one feature of the  
3 system which wasn't covered very well with the advisory  
4 committee, the system is wireless, but at the same time the  
5 system has the ability to stand-alone.

6           The wireless network provides additional security.  
7 So if one unit is trying to be tapped into, it notifies the  
8 additional unit that the security's being broken into or  
9 attempted to. If one unit has a problem, the other one knows  
10 it. So there's this circular loop in the wireless  
11 communications.

12           But the systems can run stand-alone, just as the  
13 other touch screens do in California. So the system that you  
14 see, the wireless transfer is a tool the election official  
15 has the ability to use. But it is an A/B. They can choose  
16 not to use that and say "I don't want the wireless systems to  
17 be on." They can just turn it off, and the unit runs  
18 stand-alone, just as with Sequoia.

19           So it is an A/B type of situation, but the wireless  
20 is very secure.

21           MR. JENNINGS: One of the things that I noted  
22 particularly was Michele Townsend's concern with respect to  
23 the printing of the ballot, particularly at the precinct  
24 level. Not of the ballot, but of the results. The worry  
25 that there could be jamming and a whole other -- number of

1 other things that could occur in that printing process that  
2 would really be a major concern.

3 MR. DEDIER: Certainly. The system does do that.  
4 But at the same time it does record that data on an eight and  
5 a half by 11 report. That's an either/or. They have a  
6 printer. But in addition, the reports are run by an eight  
7 and a half by 11 format that can be printed at the County  
8 level. It gives the election official the option if they  
9 need to print precinct reports at the precinct.

10 It doesn't reproduce the ballots. If you ask the  
11 system to recall the ballot and print the entire election on  
12 paper, you would see the exact image of the ballot that was  
13 captured, and then you would see your reports in eight and a  
14 half by 11 reports.

15 MR. JENNINGS: They would not be able to do that at  
16 the precinct level?

17 MR. DEDIER: No, just like the rest of the system out  
18 there. So that's one issue with those tape printers, you are  
19 always subject to a jam or running out of paper, and that's  
20 probably an issue at some point this body might want to look  
21 at.

22 But at the same time we would have to look at the  
23 idea if we didn't have that ability and somebody wanted that  
24 ability for their voters, we are taking away an additional  
25 auditor at the precinct level.

1           MR. GUTIERREZ: Can I follow up on that? Two  
2 questions. The first one is from just a mechanical  
3 perspective. What steps need to occur for that tape to be  
4 printed?

5           MR. DEDIER: Basically a closing of the poles. When  
6 we open the poles, the tape will print a zero tag basically  
7 saying your poles are opened. When you close your poles, the  
8 printers will basically print out to the machine.

9           At the top it has a cutoff that basically tears off.  
10 That's one of the changes we made to the unit that came out.  
11 Basically when we pull that strip off, they would put that in  
12 place with the cartridges when it goes to the County, or they  
13 could post it if need be. But the idea is it would just  
14 print on a thermal printer just as every other unit has.

15          MR. GUTIERREZ: What would activate that?

16          MR. DEDIER: The closing of the poles.

17          MR. GUTIERREZ: You turn the key on?

18          MR. DEDIER: No. When you place your card in to  
19 close the poles -- let's say you have a pole closing card or  
20 sequence of events, I am speaking generalization of  
21 systems --

22          MR. GUTIERREZ: No, on this one here.

23          MR. DEDIER: Card places in. As the card places in  
24 to close the poles, basically that activates and says "Are  
25 you sure you want to close the poles," you press "Yes." As

1     you press "Yes," it basically will start to produce a tape.  
2     When that tape, with the wireless system, each system will  
3     print -- they all close. Every system closes at that time if  
4     the wireless is on. As the wireless closes, each system  
5     prints a separate report and then an additional tally. Your  
6     total results are tallied on one report from one machine  
7     because you have selected the machine as your host.

8             If that's off, then each one would present a separate  
9     tally. So you have a couple different options. It is up to  
10    the election official, but each one of those systems meets  
11    code as it's stated for being able to produce precinct  
12    results and the precinct.

13            MR. GUTIERREZ: Let me restate my question and then  
14    restate your answer. What triggers this tape? The answer is  
15    it is done automatically?

16            MR. DEDIER: Automatically with your closing pole  
17    card.

18            MR. GUTIERREZ: Is this the same demonstration that  
19    was demonstrated in the back and the paper jammed immediately  
20    when they were demonstrating.

21            MR. DEDIER: What she did is closed the top,  
22    basically, of the system and that system would not be closed.  
23    That paper would print out the top. What you see is the  
24    first system on the type that we are certifying for them has  
25    the hole to where the paper goes through. It is not held in

1 the unit.

2 MR. GUTIERREZ: Unfortunately what I saw was the  
3 paper jamming. This is the point that Michele's making.

4 Other systems, do we have any other system that  
5 produces a tape in the same manner as this system  
6 automatically when closing the poles?

7 MR. DEDIER: Basically each.

8 MR. GUTIERREZ: So this concern applies to every one  
9 of them?

10 MR. DEDIER: That's where you get into the idea when  
11 you get into a printed tally or tape, the system -- now,  
12 accounting could choose not to do that and have that printed  
13 receipt, that ability. But when you get into any type of  
14 printing mechanism located inside the unit, that is a point  
15 of failure involved in the system.

16 MR. GUTIERREZ: Thank you.

17 MR. MOTT-SMITH: Can you add to what you just  
18 described in terms of the environment of the Proposition 41.

19 MR. DEDIER: Proposition 41 requires the system to  
20 have the ability to produce a paper trail or facsimile of the  
21 ballots or the votes at the precinct or county location.

22 So basically that system, the printers would make the  
23 systems qualify, the ability to qualify for Prop 41 votes.

24 MR. GUTIERREZ: I appreciate the point. My concern  
25 was that one way to mitigate some of the Michele's issues,

1    which I took very seriously, is to make it have a protocol to  
2    not have that tape printed.  Because maybe you don't need  
3    that tape.  You don't need the paper product.  Maybe you  
4    don't.

5           MR. DEDIER:  Exactly.  I think at the point where we  
6    evolve as a state and as people, just as we did with ATM  
7    machines, that receipt will become an option.  I think down  
8    the road that receipt will actually be something that  
9    disappears from technology, but it will probably be over the  
10   confidence of the people and reliability of the machines.

11           These machines are new, and with technology involved  
12   -- even though this is 2002, there are still voters out there  
13   that say "When you touch a screen, I rely on paper."  So we  
14   have an uphill battle to convince people that these machines  
15   are secure.

16           That's been a regular speaking engagement for me with  
17   groups, is to show the security of the systems.  The systems  
18   are secure, but at the same time other people don't -- so if  
19   we need to print those, eventually I believe that printed  
20   receipt will be something that will probably go away, but it  
21   is when people feel reliable enough on the systems that we  
22   will feel comfortable enough to bring that to the Board.

23           MR. REYNOLDS:  I would just like to clarify the Prop  
24   41 language is not something that can be amended by the  
25   Legislature.  It will have to go back to the people to get

1     rid of the provision that says it has to get rid of this  
2     capability. It is in the law until someone goes back to the  
3     ballot box, and we have reached that point of comfort. And  
4     we don't know whether the Legislature will ever have that  
5     level of an interest. That doesn't seem to be a concern to  
6     the public to bring it back to them for removing that  
7     language.

8             To the extent that there's a problem with it, then it  
9     will become maybe something that they will do something  
10    about. But that can't be amended by the Legislature.

11            MR. MOTT-SMITH: If I can also add -- I think Michele  
12    communicated with several people, so I am not sure exactly  
13    what your communication was. As I understand your concern,  
14    it is just is the machine currently required to use a machine  
15    with a printer, and the answer's no.

16            However, I think if she wants to receive funds from  
17    Prop 41, she's going to have to look at that.

18            MS. TOWNSEND: Basically I don't mind producing the  
19    paper. I think that's essential to comply with the measure.  
20    My concern is we have some uniformity with the systems. It  
21    might be new to California, but they have been around in the  
22    nation for 15 years, and they haven't produced paper for each  
23    voter.

24            I didn't want paper jamming with a long line of  
25    voters. So by meeting the terms of the measure, being able



1 to produce that paper product at election headquarters at the  
2 close of pole would be preferable to showing any kind of  
3 paper trail.

4 MR. GUTIERREZ: Would you repeat that, just the last  
5 sentence.

6 MS. TOWNSEND: It is my understanding that the closed  
7 poles, we can produce that paper at election headquarters,  
8 that it doesn't necessarily have to be out at the precincts.  
9 I think that's preferable to producing any kind of paper  
10 product for every voter in which the mechanical printer could  
11 jam and they misunderstand that the DRE equipment is failing,  
12 which it isn't.

13 MR. GUTIERREZ: I appreciate your point very much.  
14 And what's going through my head is that one of the ways to  
15 solve that particular perception issue is to put a feature in  
16 there that allows you to exercise judgment as to whether you  
17 print or not print. And if you do print, that it be a  
18 conscious decision, not an automatic one.

19 MS. TOWNSEND: Correct. And that's what we've done.  
20 We have chosen not to print at the precinct.

21 MR. MOTT-SMITH: The Voting Modernization Board  
22 hasn't specifically addressed the question that Michele  
23 raises, but I think that the general discussion has been to  
24 assume that the requirement has been to produce a piece of  
25 paper at the polling place when the poles close.

1           I think if there's a different interpretation, I  
2 think that's going to have to be something that the  
3 Modernization Board will discuss. But at least my impression  
4 is that's not their understanding.

5           MR. TROUT: The language of the bill is pretty clear.  
6 It says any voting system purchased using bond funds that  
7 does not require voter to directly mark on the ballot must be  
8 produced at the time the voter votes his or her ballot or at  
9 the time the poles are closed, a paper version.

10          MR. GUTIERREZ: Must produce as opposed to must be  
11 capable of producing.

12          MS. TOWNSEND: I was relying on a legislative person  
13 who indicated that the close of poles didn't necessarily mean  
14 at the polling place, but I understand.

15          MR. JENNINGS: I would interpret it to go either way.  
16 As it stands now, it is an option with you, Michele?

17          MS. TOWNSEND: Yeah.

18          MR. JENNINGS: Is it not an option with the other  
19 counties?

20          MR. DEDIER: No, it is an option with the other  
21 counties. It is an option on the machine. Basically what  
22 the problem is, is on all these printers and all these  
23 machines, the machines are made so small to reduce the weight  
24 that the printer option doesn't have much room to breathe, or  
25 basically doesn't have any output devices for the tape.

1           So what Michele is saying is true. When we run a  
2 report, we do a testing, and we run a tape. As any vendor  
3 that's tested with us, that tape is extremely long. If they  
4 don't use an output device for that tape to go out of and  
5 store it inside the machine, it is a lot of tape. When we do  
6 600 votes or 500 votes, you're talking quite a few feet of  
7 paper.

8           As most the vendors say, "I have never used as much  
9 paper as we do when we test." But at the same time, that  
10 could happen, depending on the length of the ballot and size.  
11 And one of the issues we get into is we do test for the speed  
12 of the printer versus the output device. Basically the  
13 transfer of data.

14           Most of the vendors we talked to, we made sure the  
15 expansion of the memory can handle the output of the printing  
16 device. That's one of the challenges we had on each machine.  
17 It has been a very small change to update and just put a  
18 printer chip in, more memory.

19           They get into these large ballots during testing. So  
20 when we print that output of that device, what it is is the  
21 memory exceeds the capability. The system goes to the next  
22 load, and the printer's not done printing. Just like on your  
23 PC, you close that screen, it kills the print. All of a  
24 sudden you assume that doesn't work. You got to download.

25           What we did is the screen won't come up. The speed

1 matches the output device, and that's on the machine. This  
2 one does match, but it is an option. It is an option to have  
3 that printer available.

4 I do not think at this point in time it is an option  
5 to turn it off. The vendor has not asked for a printer to be  
6 removed from the system. They are selling the unit as a  
7 whole. Their machine, one unit is it. One unit is  
8 accessible. You can pick any one of the units, and they are  
9 fully accessible. Each one has a button. Every machine they  
10 sell is the same. You can pick any one for an audio ballot  
11 and print from each one. Each one is identical.

12 So they don't sell two units. This specific vendor  
13 sells one unit that has full capability.

14 MR. REYNOLDS: I don't know if there's a construction  
15 clause in the act. I don't -- but I would imagine that if  
16 you were to construe that to mean at the time the poles are  
17 closed meant at the polling place, you could spend a lot of  
18 time waiting for the tape printing.

19 It would seem more efficient to bring it back to a  
20 central location.

21 MR. JENNINGS: It wouldn't delay the physical closing  
22 of the poles.

23 MR. TROUT: The printing, though, is going to take  
24 the same amount of time whether it is in the polling place or  
25 at the elections office.

1           MR. REYNOLDS: I just think of the physical return of  
2 the pole worker to the central location. That's what I'm  
3 referring to.

4           MR. MOTT-SMITH: I can make a try here. Currently if  
5 the county wishes to turn on that functionality or not,  
6 that's the county's decision. It is the Voting  
7 Modernization's to say whether or not they are going to give  
8 money to the county that doesn't turn that function on.

9           So I would suggest if you wish to ask for  
10 clarification, this isn't the right body to ask that from.  
11 If you would direct a letter to us to forward to them, we can  
12 raise that question. That was directed to Michele Townsend.

13          MR. JENNINGS: Okay. Do we have any further  
14 questions or comments from the panel members? If not --

15          MR. REYNOLDS: Just one last clarification. We are  
16 not talking about a ballot on demand?

17          MR. DEDIER: That is correct. The system has been  
18 selected. That will be available for you at the close. I  
19 don't want to take up your time. I know it is valuable. At  
20 the end, if you want to spend a few minutes going through the  
21 system in the back, that would be great.

22          MR. JENNINGS: Do any members of the advisory  
23 committee have any questions or comments? I want to thank  
24 you, Michele, for your very complete analysis. I thought you  
25 did a very good job and caused some questions in my mind as

1 well. Hopefully they have been answered.

2 Any comments from the general public or any of the  
3 vendors? If not, I'll call for the question.

4 Anybody have a motion to offer?

5 MR. MOTT-SMITH: I would move approval of the staff  
6 recommendation with the conditions as specified and the  
7 additional insertion of the same statutory language with the  
8 finding that we are required to make as a condition.

9 MR. DEDIER: That's fine. I'll have that placed.

10 MR. JENNINGS: Moved by John Mott-Smith. Any second?

11 MR. REYNOLDS: Second.

12 MR. JENNINGS: Seconded by Chris Reynolds. Do we  
13 have any further discussion?

14 MR. GUTIERREZ: Yeah. Mr. Chairman, probably the  
15 group here at the table, I am the least experienced in voting  
16 systems and voting procedures. I have been voting since I  
17 was 21 years old in Sacramento County and once in Vietnam.

18 So I really don't have the kind of experience that  
19 Lou has and John and the advisory committee. But perceptions  
20 about voting systems are particularly important.

21 And I focus on that issue, and I rely a lot on the  
22 practitioners in the field, which is Michele, Ernie and  
23 others, as to how these systems will function and how people  
24 will perceive them.

25 I was troubled, though, to be very direct with you,

1 by the fact that I saw that paper jam, and it just ran and  
2 ran and ran. And that poor sales lady was panicking, but she  
3 did a wonderful job of covering up.

4 It troubled me that this thing kept going. I was  
5 saying, "Wow, what if this was a real live election and  
6 things started to perform that way?" I can just see my  
7 70-something-year-old in-laws who have been pole workers for  
8 years, for 30 years. There was a Sacramento Bee story about  
9 them.

10 I don't know that they would know what to do, and  
11 that's troubling. I appreciate Lou's comments that this  
12 system's not unique in that way, that others have the same  
13 problems, and I very much appreciate the point. But the  
14 printer is the problem, and we are trying to miniaturize  
15 everything. And when things like that happen, Mr. Chairman.  
16 I wish they wouldn't.

17 So maybe, you know, I will cast my vote as you  
18 believe appropriate in terms of keeping the process going,  
19 but I would like to have this body address the issue of the  
20 printer.

21 I have a different view than John Mott-Smith. I very  
22 much respect his thought process. I don't think this is a  
23 Voting Modernization issue. I think this is an issue of what  
24 kind of system shall the Secretary of State certify, and the  
25 system that gives the counties the best options that ensure a

1 smooth election takes place.

2 Again, I don't think it is unique to this system.  
3 The point has been made that it is not. I wanted to share at  
4 least those thoughts. They are rattling in my mind at the  
5 moment on the issue of the tape.

6 MR. JENNINGS: Appreciate that. Thank you for your  
7 thoughts. John, do you have any response to that?

8 MR. MOTT-SMITH: I guess in a general sense, what we  
9 do is certify that the equipment is -- meets the statutory  
10 requirements for security, user friendliness, accuracy,  
11 etcetera.

12 Any of the issues, including printer failures, are  
13 issues that could happen and do happen in any system, even  
14 the polling system. There are points of failure that depend  
15 upon the people that operate them.

16 It is true as we move to a technology that is outside  
17 of the greater population's ability to understand possibly  
18 that we expose the process to a need for greater  
19 sophistication in pollings workers.

20 But if you wanted to move a resolution to prohibit or  
21 avoid any kind of polling place type of problem or problem  
22 with a pole worker who doesn't know how to do things, I would  
23 support that resolution. But I don't mean to be -- probably  
24 as I sound I am being -- a little bit facetious. We can't  
25 control those things. The vendor controls those. The County



1 controls those through their quality control processes at the  
2 polling places.

3 Michele doesn't have printers in hers, but she still  
4 has 175 different things that go wrong. And that's why she  
5 had 175 people out there troubleshooting on her first  
6 election, so the staff can learn how to troubleshoot those  
7 things, fix them, take care of them.

8 That's going to be an issue with every single system,  
9 every single product that we look at that is not the  
10 traditional paper vote.

11 You're right. There's risk there in the sense of we  
12 are going in a new direction, but the benefits, at least in  
13 my mind, outweigh the risks. And the risks are manageable by  
14 the people that are in front of me.

15 MR. GUTIERREZ: Let me just provide a footnote to  
16 John's comments. I appreciate them. Again, he's an expert  
17 in the field, and I am certainly not. The tape failure I saw  
18 did not result from someone who didn't know how to use the  
19 equipment. The tape failure resulted from the way the system  
20 was designed.

21 It did not have a place to release the paper. It had  
22 to be folded up in a very unique way, and that's going to  
23 work 50 percent of the time.

24 MR. JENNINGS: As he indicated, it had been  
25 addressed.

1           MR. DEDIER: That is one of the things we changed  
2 during the certification. When we change systems, some of  
3 the things --

4           MR. GUTIERREZ: You think that solved it, Lou?

5           MR. DEDIER: I think that solved the printing  
6 problem. As staff for the VSP, what I would like to do as  
7 staff would be to take our staff here, and we will track when  
8 other states have an election.

9           I don't think this is an issue to stop a  
10 certification process. But what we can do is track and see  
11 how many printer failures there is so maybe this body can  
12 address it in a report in a formal forum.

13           We can present to you how many printer failures there  
14 were, not just in California, because we are going to be  
15 trailing behind Florida, so to speak, for just a short period  
16 of time.

17           And Washington is getting ready to implement a system  
18 as well as Georgia. As we track with other states to see if  
19 this is an issue that we need to worry about the paper to  
20 maybe jar the election committee, so to speak.

21           But I would be willing to put together a report for  
22 you. It wouldn't be fast coming. It would be over the next  
23 six months, but I would be able to do that, give you how many  
24 printer failures that existed in our testing.

25           I think we can take a proactive role and make sure

1 the equipment functions in a way that it doesn't undermine  
2 the integrity of the voting system. I think that's  
3 worthwhile.

4 MR. REYNOLDS: Can I clarify, there has been a design  
5 change to try to provide for that?

6 MR. DEDIER: There has been a design change.

7 MR. GUTIERREZ: And it has been tested and worked?

8 MR. DEDIER: Exactly. When we make those type of  
9 changes, those are changes to the output of the equipment.  
10 We have them demoing it. We do have the changes in place.

11 But the equipment we had them demo, we were moving  
12 them so quickly, it is just with the marketplace of the VMB.  
13 It is the nature of the beast.

14 At the same time I will take -- to let you guys know,  
15 as I calculate and estimate, at the same time -- it is off  
16 the subject of the system, but right now coming before you  
17 before December will be an additional 25 either modifications  
18 or systems before December.

19 This is more than you've certified in 20 years. More  
20 systems -- and you are going to do it in a 16-month period  
21 versus 20 years. So we have had about a 2,000 percent  
22 workload increase as far as the systems. They are pushing  
23 them through.

24 Hart notified me they are applying for modifications  
25 to their system to enhance the capability of the election

1 officials. Next week, actually Monday, we should receive a  
2 package from Sequoia.

3 And what they are doing is everybody is raising the  
4 bar. We have created a level of competition within the  
5 vendors that we are going to have some really great systems  
6 coming out of this. If one vendor comes up with it, every  
7 vendor comes up with it. Because if not, they lose a grasp  
8 on the marketplace.

9 And the leader doesn't stay consistent. The leader  
10 continues to rotate as far as technology goes.

11 MR. TROUT: If we don't get this right the first  
12 time, they are going to have to come back for a modification,  
13 just adding to that increasing number, you know, if they  
14 didn't get the printer fixed or there's other issues.

15 I don't think we should roll them over. If we need  
16 to slow down the process, then so be it. I know the counties  
17 need to buy new machines and the window of opportunity here  
18 is small, but at the same time they are making a big  
19 purchase.

20 I think we want to make sure that the commitment they  
21 are making now is going to be a ten- to 20-year commitment,  
22 and we want to make sure they make it with the best  
23 information that they can have.

24 MR. DEDIER: I didn't mean to allude to the point  
25 that the modifications that are being made are to correct a

1 problem. They are being made to enhance products. Let's say  
2 Hart, currently they have the ability to produce a two-column  
3 Ballot now. They are going to try to go to a three-column  
4 ballot.

5 Sequoia is going to put an automated rotation setup  
6 in their system. That's something you have seen from the new  
7 vendors. I should allude that it is not a problem with the  
8 modifications. The modifications are being made because the  
9 competitors are coming up with a better idea.

10 They are meeting the certification, but that's going  
11 to be a continued evolving process until California is sold.  
12 As soon as we have 54 contracts in place and we are doing 54  
13 implementations, we won't see those modifications. We will  
14 see them very slowly once a year.

15 As it sits now, the counties are saying in an RFP  
16 process, "Orange County, how come your system doesn't do  
17 that? I just looked at A, and A does this." The vendor  
18 takes note.

19 Believe me, they come back to their group of  
20 engineers and they say, "How come ours doesn't and they say  
21 it can," and they say "Let it go." Wiley Laboratories,  
22 Systech and Cyber are so busy right now they have six to  
23 eight systems in testing weekly, where they used to actually  
24 have -- a year ago they used to have to tell a vendor "I  
25 can't test your equipment because we batch test, and we don't

1 have enough voters to run a test."

2 Now they are having to say to testing entities, "I  
3 can't test your software because we are full." We are in a  
4 marketplace, and it is really fast-paced, but it will slow  
5 down.

6 I just want to give you guys a glimpse of what's  
7 coming in the future before December.

8 MR. JENNINGS: I think Lou's suggestion is a good  
9 one. I think we should consider a resolution, John, after  
10 the motion that's on the floor is voted upon. And then we'll  
11 consider a resolution from this body directly, Lou, to  
12 compile that report over a period of time and report back to  
13 this panel with respect to particularly any printing problems  
14 they experience in other states.

15 All right. We still have a motion on the floor and  
16 second. Any further discussion? All right. Are we prepared  
17 to vote? All in favor of the motion signify by saying aye.

18 MR. REYNOLDS: Aye.

19 MR. MOTT-SMITH: Aye.

20 MR. JENNINGS: Aye.

21 MR. GUTIERREZ: Aye.

22 MR. JENNINGS: Opposed say no.

23 MR. TROUT: No.

24 MR. JENNINGS: Did you not vote?

25 MR. REYNOLDS: I voted.

1           MR. JENNINGS: All right. Then congratulations to  
2 Shoup with respect to their WinVote Touch Screen System.

3           We then move on to the consideration of Avante Vote  
4 Touch Screen System.

5           MR. DEDIER: What I would like to do is give you an  
6 update. We anticipated that the Avante, they started testing  
7 towards the end of June, and we placed these systems up on  
8 the agenda.

9           What we are trying to do is give you an overview of  
10 the system. The system has been through the advisory  
11 testing. Each one of you had a listing of the items that we  
12 found during certification that we addressed with things.

13           One of the issues that comes up with changes is it  
14 changes two things: It makes it better and it makes  
15 opportunity for the County to have a better piece of  
16 equipment.

17           But it changes two other elements. One they said  
18 needs to be notified and they said needs to approve these  
19 changes. That's been done, but then we have a paper problem  
20 because the manuals don't match the operation output of the  
21 machine.

22           So the changes you see reflected on the three-,  
23 actually, four-page spreadsheet that were made to the system  
24 creates a manual issue problem. The system did very well in  
25 performing on testing, but it is not written. It is not

1     said.

2             So, therefore, I would like to postpone any motion on  
3     the floor of any evaluation of the system until the next  
4     meeting on the 22nd.  Because until I have written  
5     documentation, I cannot release my report to you.  And I  
6     basically feel that the manuals here what I have seen on the  
7     system, somehow the system operates.

8             And at the same time I also gave you a copy of the  
9     advisory committee's notes.  What we have done is during the  
10    advisory committee testing, I have an independent notetaker  
11    that takes notes of anything the advisory says on the system  
12    or sees on the system, kind of refresh their memory when they  
13    go back in to do their evaluation.

14            We thought that would be a good tool to have.  That  
15    way if they are not sure but they thought they said it, they  
16    can recall it.

17            The advisory committee did comment on the changes.  
18    It is not saying that these changes made the system not pass  
19    certification.  The system met the standards, but at the same  
20    time these are relative to California standards and increased  
21    tools for the election official to use.

22            During the advisory committee, it asked for changes  
23    to be made.  The company agreed to and has been able to  
24    produce those changes.  But at the same time that started  
25    even more documentation change.



1           So what we are going to have the next month, with the  
2 vendor complying and the manuals being on time, we will have  
3 a polished system and be able to show you a good, clean  
4 report that you can make an evaluation on.

5           MR. JENNINGS: Thank you. Steve, do we need a motion  
6 on this, in your opinion, or we just simply put this off?

7           MR. TROUT: No, we don't need a motion.

8           MR. JENNINGS: Do we have any comment -- John, would  
9 you like to comment on this? This meet your approval?

10          MR. BURNS: John Burns, Avante. First I'd like to  
11 thank the advisory committee with the feedback we received  
12 from them and be able to incorporate it. It does meet our  
13 objective time line.

14          MR. JENNINGS: Okay. Great. What we'll do is  
15 schedule you for the first item of business on the 22nd, and  
16 the meeting is now set for August 22nd.

17          MR. REYNOLDS: Can I get clarification on one item,  
18 the list, 73 items, the to do list. These are the things  
19 that should be completed before the item comes back on August  
20 22nd?

21          MR. DEDIER: Exactly.

22          MR. REYNOLDS: There's an indication there are four  
23 types of things that need to be done. B refers to  
24 specifications, and then there are some parts, for  
25 instance -- there was a comment by staff that things had been

1 done and that the system would meet the standards. So some  
2 of these things that refer to specifications, the way I'm  
3 interpreting that is they haven't figured out a way to do it  
4 yet. They need the specifications to fix whatever it is, but  
5 it is actually a documentation question.

6 MR. DEDIER: It is documentation. In other words,  
7 the system has the ability to do it, but the documentation  
8 wasn't clarified enough for a user.

9 Part of the evaluation of the system is not only test  
10 the system to make sure it is secure, it is to make sure the  
11 operating procedures are equivalent. That way I can give  
12 that to you formally.

13 The California procedures are a different set of  
14 procedures that we will recommend to any vendor. As we come  
15 in with operating procedures, we evaluate every item of the  
16 procedures. What we are trying to ensure is that the  
17 election officials around California get procedures that are  
18 clearcut, precise.

19 And if the documentation is felt not to be accurate,  
20 then we address that with them because that is part of the  
21 certification process, is to have the documentation in order.  
22 That's where we address that.

23 What we do is split the load. I take a portion and  
24 he takes a look, then we reverse those and look over each  
25 other's things and then come back and say "What do you think

1 is lacking in the procedures or manual? Did you miss  
2 something?" Where you get into it is a lot of time products  
3 with vendors, they tend to leave an unknown. In an election  
4 system there is no unknown to the official. The official  
5 needs to know the entire system, the entire documentation.

6 Flash memory, there's currently posted 200 vendors in  
7 flash memory. Which time do you want your machine used? If  
8 you specify that to the County, it has done two things: It  
9 tells you what you recommended for the system, but it also  
10 gives the County a tool when they go out to purchase this,  
11 not to get into bid requirements where they don't get  
12 something they want or get low bid.

13 If you say flash memory, if you just say CD, there's  
14 close to a hundred on the market. Some work, some don't.  
15 You have to be specific. That's where we go through the  
16 system, every line, every piece.

17 We have to look at every single thing. If it doesn't  
18 match, it doesn't pass. Not saying that I am not giving a  
19 recommendation. I am saying I can't forward it to you with a  
20 clear conscious saying I am asking for approval or  
21 disapproval.

22 So we tell that to the vendor. The vendor could say  
23 "I don't believe it is so," and he could come to this body  
24 and speak before me and say, "I don't agree with the  
25 recommendation." Because if the manuals didn't mirror it, I

1     couldn't in good conscious give you a recommendation to  
2     approve that equipment. I would have to sit here and say "It  
3     passed the testing, but I believe the documentation is  
4     lacking, therefore, I can't give you a recommendation for  
5     certification." The vendor might say differently. At that  
6     point you would have to evaluate.

7             MR. JENNINGS: Anything else, Chris? All right.  
8     Then we'll move on to item four of the agenda. We do have an  
9     e-mail message from Vote Here, Inc., from Derek Dictson, who  
10    is a government affairs manager, saying that they would like  
11    to request a delay in their certification testing for  
12    California. Given our near-term resource commitment to the  
13    FVAP SERVE project, it is unlikely that we can complete the  
14    required updates to our pole site system on the aggressive  
15    time line that we have originally discussed. Apologize for  
16    the delay, and we will contact you as soon as we have a time  
17    line in place for the system update.

18            So item four of the agenda is put off for at least  
19    the time being, and we don't know when they might be back.

20            MR. DEDIER: I will give you an update. We gave a  
21    testing parameter to Vote Here, just as we do with any other  
22    vendor.

23            We gave Vote Here exactly what they were going to  
24    have to be tested on. Two days prior to that testing they  
25    came back and said there were changes that they would have to

1 do to meet our certification standards, basically that it  
2 could not pass the test. They are engaged in a huge project  
3 with the federal government. They estimated 60 to 90 days  
4 they will have these changes made.

5 But according to the Election Code, when an  
6 application enters, it is within 30 days' response from the  
7 time that we give them to the date of test. We said we could  
8 extend it, but we couldn't extend it more than 30 days out.  
9 So they chose to ask it be postponed.

10 MR. JENNINGS: I don't think any further action has  
11 to be taken, then. We'll just wait for them to reapply.

12 And finally the final item on the agenda is a  
13 demonstration of Voting Technologies DRE system, and I guess  
14 this Board can -- this panel can move to the demonstration,  
15 and we'll come back and adjourn after that demonstration is  
16 completed.

17 Of course, I would invite all members here of the  
18 audience to participate in that demonstration. Do we have a  
19 representative from Voting Technologies?

20 (Recess for demonstration was taken.)

21 MR. JENNINGS: Thank you for that demonstration. All  
22 right. Lou, do you have any comments with respect to the  
23 follow-up on this demonstration and their application?

24 MR. DEDIER: I would just kind of like to remind the  
25 members that this system has not been tested. So, therefore,

1 necessarily what you see isn't necessarily what you are going  
2 to get. On this one if we don't make it this month, on the  
3 next meeting of the 22nd, I will give you an update at the  
4 meeting that is scheduled. I will tell the Panel that we  
5 will have the information to you on the 10th of August.

6 Basically, you'll receive your binders on the 10th,  
7 also receive a reminder of any updates. If the advisory  
8 committee lags on any of their information, we'll follow that  
9 up and get it as it comes in.

10 Other than that, that would be it for today.

11 MR. JENNINGS: Thank you, Lou. We still have to act  
12 on a resolution for you to prepare a report for us. I guess  
13 it will be called a keynote report on any DRE problems in  
14 other states that are experienced, something that we can kind  
15 of refer to. Again, kind of a motion to that effect.

16 MR. REYNOLDS: Do we want to put any additional  
17 specifications on the report? We were doing it in a general  
18 sense, if there was a specific problem about printing.

19 MR. JENNINGS: There might be other problems that  
20 develop, too. So we might not want a report that is confined  
21 just to printing, but other problems that are experienced as  
22 well.

23 MR. GUTIERREZ: Mr. Chairman, let me at least offer a  
24 couple more thoughts that were going through my mind. I very  
25 much appreciate what Lou is planning to do. And I equally

1 appreciate John's points about what it is that we use as a  
2 standard for certification of equipment, and that is specific  
3 code sections. What I would find helpful is if we schedule  
4 at the next agenda meeting and allow Lou and John and myself  
5 and others who have an interest to carefully consider the  
6 issue of whether we want to apply standards for  
7 recertification, in effect.

8 I think particularly if we keep track of particular  
9 performance issues and we find that improvements need to be  
10 made, that we have the authority to do that, that we have  
11 carefully considered the data and that we can act to ensure  
12 that whatever problems are developing on the performance side  
13 are addressed in some fashion. I think that's a pretty  
14 substantive policy consideration and discussion, but that's  
15 kind of what was going through my mind on the printer issue.

16 I totally agree with the Chair, that my focus is not  
17 on the printer right now, but the overall performance of the  
18 system. And with more and more use it does begin to  
19 highlight certain things that we need to address.

20 MR. JENNINGS: I would hope that the report that  
21 staff prepared would highlight those problems and suggest  
22 changes, perhaps, in the standard specifications of  
23 certification.

24 MR. GUTIERREZ: And that's exactly my thought. But I  
25 was thinking rather than try to draft that motion now, maybe

1 at the next meeting staff could bring some discussion points  
2 and some thoughts, and we could be more focused and more  
3 productive. Anyway, that was just a thought, but obviously  
4 what the Chair believes is appropriate is fine.

5 MR. DEDIER: I can certainly gather information on  
6 what specific failures or maybe what other states are looking  
7 at with people who do the same type testing that I do.

8 I would like to probably hold off on that until  
9 September. September are the elections in Florida, which we  
10 are going to see a full deployment in this system on a good  
11 base. That will give us a lot of information and a lot of  
12 feedback on that point.

13 On what some of the pole workers think, weight of  
14 equipment, equipment in general, some of the failures that we  
15 are going to come across. I won't limit my report just to  
16 printers. I am going to be looking at that because that is a  
17 weak point in any system, is the printer. But at the same  
18 time I'll look at the overall pole of the elections for  
19 Florida and report back and basically combine that report,  
20 but keep it ongoing, come into our elections in November, any  
21 experiences that happen in Alameda or Riverside or positives  
22 that come out.

23 Riverside is going to not have printers. And  
24 Alameda, they are basically running printers. So we can  
25 compare those two and see what the pole workers are thinking.



1     So far since I have been with you guys about the past 16  
2     months, I have interviewed about 3,000 voters and interviewed  
3     close to 400 pole workers. And typically what the pole  
4     workers are asking for is more to do, more interaction.

5             The image of a pole worker is thought of being very  
6     -- not intelligent, not the brightest of people or elderly  
7     age, that maybe they are prohibited.

8             And I find that just the opposite when I interview  
9     them. They are very sharp and dedicated, and they are really  
10    into this process. They are not there for the money, that's  
11    for sure. They are there because they want to be there.

12            And this is one of the No. 1 complaints that I have  
13    heard about electronic systems from the pole worker, is they  
14    liked the ritual that they went through with paper closing  
15    the poles. It was kind of like a preemptive party. And all  
16    of a sudden it is too fast now.

17            As in Florida when I attended an election, they came  
18    back and said the problem in Sarasota was "They closed the  
19    poles so quick, we didn't have time to open the wine in the  
20    back. They are taking the fun out of it."

21            So if you can think of that, it is kind of, like --  
22    but that is a valid point. This is a ritual. They are not  
23    there for the money. They are there because they are  
24    dedicated United States citizens in California or in Florida.  
25    They are dedicated to the process. They are not there for

1 the money issue. To them they are doing this because they  
2 want to be there, and they want to be part of the process.

3 MR. JENNINGS: Perhaps a resolution wouldn't be  
4 necessary, that we can just simply ask staff to present to  
5 us, perhaps, for the next meeting, as John suggested, a  
6 review of, one, our certification standards as well as those  
7 that may in the future need to be modified and the reasons  
8 for that potential modification.

9 And then, also, it looks like you will not have an  
10 opportunity to really have a meaningful report with respect  
11 to the performance of the DRE machines until sometime after  
12 the Florida elections in September. So that would be for a  
13 future meeting. Is that okay with you?

14 MR. GUTIERREZ: That's perfect. And I'd like to hear  
15 from Steve as to what kind of legal authority we have to go  
16 beyond the certification standards. We may want to consider  
17 some new standards.

18 MR. TROUT: I think it is important that we do it  
19 sooner rather than later because all the counties have this  
20 money out there and are committing to a system. If we are  
21 going to make any major changes or have any change of course  
22 here, we need to let them know before they commit to a  
23 system.

24 MR. JENNINGS: All right. Thank you. Any other  
25 comments from members of the panel? Any comments from any

1 advisory committee members who are here today or from any of  
2 the members of the audience? All right. Then we'll close  
3 this meeting, and it is adjourned at 11:47.

4 (Whereupon the proceedings were concluded at 11:47  
5 a.m.)

6 ---o0o---

## REPORTER'S CERTIFICATE

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BALINDA DUNLAP, CSR NO. 10710, RPR, CRR, RMR

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VOTING SYSTEMS PANEL MEETING

---o0o---

1500 11th STREET

SACRAMENTO, CALIFORNIA

JULY 25, 2002

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REPORTED BY: BALINDA DUNLAP, CSR NO. 10710, RPR, CRR, RMR

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1                   SACRAMENTO, CALIFORNIA, JULY 25, 2002

2                   ---o0o---

3                   MR. JENNINGS: We'll start this meeting of the Voting  
4 Systems Panel. My name is Bob Jennings. I am the Chairman  
5 of the VSP.

6                   Let me introduce, if I can, the members of the VSP  
7 who are here today. Off to my far left is Steve Trout, who  
8 is counsel with the elections division here at the Secretary  
9 of State's office.

10                  To my immediate left is Chon Gutierrez, who is the  
11 assistant secretary for operations.

12                  On my immediate right, John Mott-Smith, who is the  
13 chief of the elections division.

14                  And on the far right Chris Reynolds, who is our  
15 assistant secretary for legislative and constituent affairs.

16                  We also have an advisory committee. We have a couple  
17 members here and present. Let me introduce first Michele  
18 Townsend from Riverside County. Thank you for being here,  
19 Michele. And Ernie Hawkins, who is the registrar of voters  
20 for -- what full title is that --

21                  MR. HAWKINS: That's close enough.

22                  MR. JENNINGS: Okay. Ernie Hawkins with Sacramento  
23 County. I understand that with you is your assistant  
24 registrar of voters, Joel Levene. Is it Levene or Levine?

25                  MR. LEVINE: Levine.

1           MR. JENNINGS: We also have Lou Dedier, who is our  
2 staff assistant who has become a voting systems expert and  
3 someone we rely upon very heavily.

4           And, Lou, we appreciate all the hard work you have  
5 been doing.

6           We also have with us Balinda Dunlap with Peters  
7 Shorthand, and she'll be recording the minutes of the  
8 meeting.

9           So if you do comment, would you please introduce  
10 yourself prior to any comments you might make so she can have  
11 that for the record.

12          I want to begin this meeting by first complimenting  
13 -- for the record, I want to compliment John Mott-Smith and  
14 his staff for the work that has been done with respect to the  
15 actions that resulted at the meeting of the Voting  
16 Modernization Board. Let's see. What date was that? We've  
17 had so many meetings. 17th. On the 17th of this month.

18          I think it is unprecedented, perhaps, in modern  
19 government history to have a vote taken by the people on  
20 March 5th of this year and to have in place a system and  
21 procedures that are now being followed and an application  
22 that was mailed to all the counties for funding through the  
23 Prop 41 funds.

24          And to have a formula that's been approved by the  
25 Board and have all that action taken in this very, very short

1 period of time, I mean, it's amazing. I have been very  
2 pleased with the Voting Modernization Board's position. And  
3 the members themselves have taken this on as a very serious  
4 task. And John Perez has done a marvelous job as chairman of  
5 running the meetings. And I think it may go down in history  
6 as something that's unprecedented, really, in terms of, one,  
7 I could not believe just yesterday, getting a copy of the  
8 applications and the forwarding documents to the counties.

9 These applications are now going to be arriving at  
10 the County levels today and tomorrow. It is just amazing  
11 that they can begin to fill those out, have them back by the  
12 new deadline, which is September 3rd, giving them a little  
13 longer time to prepare those applications.

14 But then a final decision being rendered by the  
15 Board, and that's scheduled for September 16th. So funds  
16 will be rolling out of here, out of the State and to the  
17 counties in a very quick period.

18 Again, I compliment you, John, and Lou, and your  
19 entire staff for the work they have done on this.

20 MR. MOTT-SMITH: Thank you.

21 MR. JENNINGS: I want to mention, too, the work of  
22 the advisory committee. Our advisory committee has tried to  
23 combine their work with respect to analysis of systems that  
24 are being considered for certification here before the VSP.

25 They have tried to combine that meeting with



1 attendance at the VMB meetings. Don't get this all confused.  
2 We have V and Ss, Bs and S and Ps and all that.

3 But the Voting Modernization Board has been meeting  
4 and trying to tie together their work so that they don't have  
5 to make two or three trips up here to complete their advisory  
6 committee work. It has really been, I think, a hardship on  
7 the advisory committee members to try to cram all that into  
8 one -- into one day, if you will.

9 So I want to compliment the members who are present  
10 here today and the entire committee, for the record, on the  
11 hard work that they have done with respect to analyzing the  
12 new systems that are before us and submitting their comments,  
13 which have been very helpful.

14 I am wondering, however, if there might be a little  
15 better approach here so they can spend a little more time  
16 with each system and really have some kind of a comfort zone  
17 with respect to a complete analysis that they might be able  
18 to present.

19 So I am asking Lou if there might be a way we can  
20 work this out so that that time period is not so shortened in  
21 terms of the amount of time they can spend with these new  
22 systems, if we might maybe even schedule a date before or  
23 maybe the date after or something like that.

24 So you might look at that and work with the advisory  
25 committee and be comfortable that they have enough time to

1 fully analyze each of these systems.

2 With that, we'll proceed with the agenda. The agenda  
3 before us, the first item of consideration is the Hart Ballot  
4 Now Electronic Voting System. I'll refer to Lou for his  
5 report.

6 MR. DEDIER: Hart came, basically, with an  
7 application in October, is when their application started.  
8 And basically we looked at the E-Slate, was the operation of  
9 the overall system. That's the front-end software, is the  
10 E-Slate, runs off the same software for the Ballot Now.

11 What we did was it was a different technology than  
12 has ever been seen in California and actually used in many  
13 cases throughout the United States. It was used in Texas,  
14 but hadn't really been expanded. Me and Robert Nagely viewed  
15 it in Texas. We did testing in Anaheim at the California  
16 Courts Association.

17 We provided testing to the advisory committee.  
18 Basically we redesigned the entire ballot. The ballot is  
19 what California format should be. Martin Chapman has already  
20 applied to be the manufacturer of the ballots. So we have  
21 somebody that has experience in the ballot manufacturing.

22 The Hart system was demoed to you. Basically it  
23 meets all the election codes. What we'd like to do is staff  
24 would like to recommend the approval of the systems, but with  
25 the following conditions: The Ballot Now system must notify

1 the VSP so, therefore, if the system's to be used in  
2 California, the advisory committee and SOS staff and any  
3 member of the panel would like to attend can attend to see  
4 the first full running of the actual election.

5 They must notify the SOS of any county that wishes to  
6 purchase the system, and basically make sure that the county  
7 is aware that they will have to be certified as a ballot  
8 printer if they go to purchase such a system.

9 The system can only be used at the county level. We  
10 are not going to allow ballots to be printed in the precinct  
11 level. It will be used as an absentee system. So it is not  
12 going to be used as a precinct voting system. They are not  
13 going to print ballots and put them out to the polling places  
14 and have that as an alternative.

15 This is a system that is part of the Hart E-Slate, so  
16 they have a full sweep of products to sell. If they are  
17 willing to meet those criteria, we can see no reason why they  
18 shouldn't be certified, and we recommend certification based  
19 on the information.

20 And then we also encouraged the vendor, they do have  
21 a new software that is going to enhance their product. And  
22 at the same time we ask that the vendor bring that software  
23 forward so it can benefit the counties in California.

24 MR. JENNINGS: Thank you, Lou. Any comments or  
25 questions from the members of the panel?

1           MR. REYNOLDS: What is certification as a ballot  
2 printer? Is it statutory, regulatory or both?

3           MR. DEDIER: Both. Certification as a ballot printer  
4 means they are going to basically get manufactured ballot  
5 stock from Martin Chapman. They are going to have to report  
6 and record on that to the Secretary of State.

7           At the same time they should have the ballots printed  
8 in what they consider a proper room, and they will be subject  
9 to inspection by the Secretary of State's office, meaning  
10 they are going to get a visit from me at least once a year to  
11 inspect their facility and operation.

12           They need to have a locked and secure room. They  
13 need to have the proper humidity and controls in the air  
14 system. They can't just print in the open air out in the  
15 front lobby.

16           We are going to make sure they are in a secured room  
17 and area where the public can't grab at them. Basically all  
18 the criteria is met as far as inks, printers, quality  
19 controls.

20           When they first become a ballot printer or apply with  
21 the Hart system, what they will do is they apply to the  
22 Secretary of State. We'll go out and look at the system.  
23 We'll match that system with what the printer should be.  
24 We'll have approved sample ballots, run those with the Hart  
25 system to ensure that the ballots that they can produce will

1 be able to run and go on that system with no problems.

2 If they meet that criteria, we'll recommend  
3 certification to the Secretary. At that point the Secretary  
4 can certify if they are a ballot printer. Once they become a  
5 ballot printer, then they are subject to reporting and  
6 current inspection, anytime drop-in inspections or yearly  
7 inspection.

8 MR. GUTIERREZ: Mr. Chairman, I have a couple  
9 procedural questions that I can direct to you. When we  
10 recommend to the Secretary the certification of the system,  
11 we certify that it meets the statutory requirements?

12 MR. JENNINGS: Correct.

13 MR. GUTIERREZ: If there are -- if it doesn't, then  
14 we don't certify that. So I am thinking in the case of the  
15 ballot printing features, we are not certifying that element;  
16 is that correct?

17 MR. DEDIER: You're certifying the system and the  
18 operation, but not the printing of the ballots.

19 MR. GUTIERREZ: Okay. So it really isn't a  
20 condition. We are just not certifying the printing site?

21 MR. DEDIER: That will be kept separate and  
22 controlled independently by the Secretary of State by an  
23 ongoing inspection. They don't get carte blanche to  
24 continue. They are constantly subject to routine inspections  
25 and reports.

1           MR. GUTIERREZ: Again, just focusing on process, we  
2 are approving -- we are not approving them for ballot  
3 printing purposes?

4           MR. DEDIER: Exactly.

5           MR. GUTIERREZ: In order to do that, do they have to  
6 come back to the Board again and be noticed and go through  
7 the process, or how do we handle this? It seems to me two  
8 different systems completely.

9           MR. JENNINGS: How many ballot printers do we have in  
10 the state that have been certified?

11          MR. DEDIER: Seven.

12          MR. GUTIERREZ: What process do we use on those?

13          MR. DEDIER: Basically once they are approved, we run  
14 them through a testing with the vendor to make sure they can  
15 produce ballots that will run through the system. And if  
16 they meet that, then we go through a certification, and they  
17 are constant to inspection. They report regularly to the  
18 Secretary of State's office.

19          Right now the County could apply to become the  
20 certified ballot printer, but at the same time Martin Chapman  
21 is also going to apply to become a certified ballot printer  
22 to produce those for the County.

23          The County could have an option -- I think where the  
24 system will really come into play is a county that uses this  
25 system on a large run of ballots will run through Martin and

1 Chapman. They will under order the ballots. Currently they  
2 have to over order. They will under order and then be able  
3 to produce them on demand at the county.

4 You come in and get an absentee. They will produce  
5 it for you. Let's say I ask Connie McCormick -- like, in San  
6 Francisco, when they did have ballots on the first day where  
7 they opened the poles for early voting. They didn't have  
8 ballots available.

9 This would have been a huge resource, to have the  
10 ballots available at their level.

11 MR. GUTIERREZ: But in terms of the process itself --

12 MR. JENNINGS: I think that to maybe clear up the  
13 confusion part, Chon, to that part that might be confusing,  
14 the ballot printers don't come through this body with respect  
15 to request for certification. It goes exactly through the  
16 elections division.

17 MR. GUTIERREZ: Okay. So that answers that one.

18 The notion of limiting the application to quit the  
19 county absentee ballots, specifically prohibiting their use  
20 at the polling place, clarify that for me again, with drawing  
21 that distinction.

22 MR. DEDIER: We are. Because what we didn't want to  
23 do is cause the county to be able to produce ballots and put  
24 them out to the polling place location. We weren't marketing  
25 it being an optical scan. We wanted a controlled environment

1 with the optical scan. We didn't want to give the impression  
2 that optical -- that ballots on demand could be printed at a  
3 precinct location.

4 MR. GUTIERREZ: Because the county has the ability to  
5 certify?

6 MR. DEDIER: Exactly. Because I would have to go out  
7 and certify 5,000 locations for ballot printing which would  
8 be absolutely breaking on the security.

9 MR. GUTIERREZ: Okay. I had one more procedural. If  
10 it comes back, then I'll interrupt the proceedings.

11 MR. JENNINGS: I have a question. Did Hart actually  
12 request this as an absentee ballot system rather than general  
13 print on demand system?

14 MR. DEDIER: They had requested it as a print on  
15 demand system. First it was absentee, then print on demand.  
16 What we'd like to do is limit it to an absentee.

17 Once the product comes and everybody's comfortable  
18 with the product out in use, at that time we could probably  
19 entertain the idea of coming back and saying they would like  
20 to apply to let this go into the precinct level, not  
21 printing, but use as a paper system.

22 I think at this time we need to go in small steps,  
23 because it is new technology and security issues. This gives  
24 them the ability to be able to market their product out in  
25 the counties. But at the same time it lets us protect the



1 security and lets technology not overrun us.

2 MR. GUTIERREZ: I recall my last question. The  
3 notice requirement, do we have that notice requirement of any  
4 other product, any other vendor, your recommendation No. 1,  
5 that they give notice?

6 MR. DEDIER: We do put that notice out there for each  
7 one, so they notify us prior so we can attend. The idea  
8 behind this is make it a little more open. Usually the  
9 election division --

10 MR. GUTIERREZ: I think it makes a lot of sense.  
11 Kind of spreads you all over the state, but at least you  
12 continue to be aware of what's going on.

13 And lastly, where are they marketing this product, a  
14 particular county that is interested?

15 MR. DEDIER: Right. Now Shasta and Orange and San  
16 Diego have all been looking at this product very heavily. At  
17 this time nobody has chosen to use it, but each county has an  
18 RFP. But there are counties that are tremendously  
19 interested.

20 The idea behind the ballot on demand is you are going  
21 to see -- Hart will be the first one to break the mold. Even  
22 later today you are going to see another ballot on demand  
23 system. This seems to be the way technology is moving  
24 because of the cost of resources and given the election  
25 official new tools and abilities to actually run an election

1 efficiently where they don't have to over order product or  
2 rely on a third-party source to deliver a product to run an  
3 election.

4 MR. GUTIERREZ: I think this is a very nice document.  
5 Is this the first time we are seeing it?

6 MR. DEDIER: Uh-huh. Those are the advisory  
7 comments. And what we are doing is the advisory comments, we  
8 give the advisory a rough list of questions. And what we are  
9 doing is giving them a guideline. So, in other words, they  
10 are not led into an advisory committee blind. They are not  
11 just dropping them off with the equipment. That's just a  
12 guideline for them to look at.

13 They can make additional comments. They can expand  
14 on their answers. They can look for anything they want. We  
15 are trying to give them the tools as the advisory body to  
16 guide them through the process in things that we feel are  
17 important to look at. We can test the equipment technically,  
18 but they know the operation of the equipment in the counties.  
19 I am not a user, they are. I am a tester.

20 MR. GUTIERREZ: Very nice. Thank you.

21 MR. JENNINGS: Just for the general record, will you  
22 explain, the ballot printer would then print ballots with  
23 unique numbers on each sheet?

24 MR. DEDIER: Yes. That inventory is maintained by  
25 the county, and also we are supplied a record of exactly how

1 many ballots were printed and sent to -- I should say blank  
2 ballots, not that they are blank sheets, with a number on  
3 their ballot stock. Then the county is responsible for  
4 maintaining, as the ballot printer, the inventory and also  
5 the record with respect to any that are used, damaged or  
6 whatever so that we can go in and do an audit and track every  
7 individual ballot that was sent, to the pieces of ballot  
8 stock that were sent to them.

9 What we did is worked with Martin and Chapman and  
10 Hart and sat down in a meeting with them. What we did is  
11 redesigned a ballot. California wanted to place a number on  
12 the ballot. Since Sacramento's here, I'll use them as a  
13 guinea pig, so to speak. They order ballots.

14 Let's say they purchase the Hart system. They order  
15 ballots to be at that location. They would order them from a  
16 certified ballot manufacturer. They wouldn't be a ballot  
17 manufacturer without a water mark. They would order them  
18 from Martin Chapman, 500 or 1000.

19 On that would be a small number in the bottom, 0001  
20 to 1,000. At that 1,000 point, what they do is Martin and  
21 Chapman reports to the Secretary of State, "We released 1,000  
22 to 10,000 ballots to Sacramento County." Sacramento County  
23 is just like the process is now, they need to report "We  
24 received 10,000 ballots from Martin and Chapman. We used  
25 5,000 ballots. We spoiled 500 ballots in sample." In other

1 words, they are under the same requirements for the total  
2 report, and we keep track of that at the election committee.

3 So when I walk in to inspect the ballot record, say  
4 "According to our records, you have 25,000 on a sheet of  
5 paper. Can you produce those in a locked and protected  
6 room," and I walk in and look at them. I look at the  
7 inventory sheets, walk into their office and complex, and we  
8 check what's out and what's reported. We verify those  
9 numbers to what's been produced. We look at what's been  
10 spoiled and what's been ordered. So that way we have a total  
11 tracking of what's been used.

12 The idea behind Martin and Chapman being the ballot  
13 manufacturer is Hart will probably decide to do, and other  
14 people as the system improves, come forward and each one of  
15 those will be given a unique number for testing to make sure  
16 they can produce ballots.

17 But that unique number is placed on the bottom for  
18 State tracking.

19 MR. JENNINGS: Any other comments or questions from  
20 the members of the panel? If not, might I ask any members --  
21 sorry.

22 MR. MOTT-SMITH: From the first staff report we  
23 received proof of escrow?

24 MR. DEDIER: Yes, we have. The escrow is put with my  
25 name for the contact, and the Secretary of State. The reason

1     why we placed it into the Secretary of State's name, that way  
2     it remains in the department's name, not an individual's  
3     name. So, therefore, it is in the Secretary of State's name.  
4     I am the contact.

5             Additional staff can go in from the division that  
6     works for the Secretary of State. We placed that escrow in  
7     our legal division for Ken Davis to look at and make sure the  
8     requirements are met for California.

9             At the same time that is the certified escrow  
10    company. They are using the escrow company that the  
11    Secretary of State has currently certified and inspected this  
12    year.

13            MR. MOTT-SMITH: Another item on the previous staff  
14    recommendations was that they submitted procedures according  
15    to the California template. Have you received those  
16    procedures?

17            MR. DEDIER: Those procedures have currently been  
18    sent. We have not had an opportunity to review it. We just  
19    got them. I think what they are waiting for is to see if  
20    there's any changes that came out of the advisory committee  
21    testing. So that would also be a condition of the  
22    certification, that they must complete the procedures in a  
23    California template.

24            Those procedures would be forwarded to the VSP so the  
25    VSP can review them with a staff report with a recommendation

1 for full producing in California.

2 MR. JENNINGS: Anything else, John? May I ask if any  
3 of the members of the advisory committee wish to comment or  
4 have any questions?

5 MS. TOWNSEND: Is there going to be a minimum weight  
6 on the paper required, and is there going to be a secrecy  
7 holder that's to be used for absentee?

8 MR. DEDIER: The idea behind the absentee system, the  
9 paper will be a minimum 50-pound weight. Because we do have  
10 certifications. As someone applies for it, that will be part  
11 of their California style templates, that they will forward  
12 to the county the exact paper requirements from the  
13 manufacturer, that it would be a minimum of 50-pound weight.

14 We have seen in Texas they actually used a 20-pound,  
15 and Martin and Chapman believe 50-pound was about right. So  
16 at that time a 50-pound stock was set. We did test for  
17 bleed-through. We kind of went through every ramification  
18 you can go through on a ballot seeing if it would work and if  
19 it would not.

20 MR. JENNINGS: Do I have any comments from the  
21 general audience or questions with respect to the report from  
22 Lou? Well, hearing none --

23 MR. DEDIER: I do believe we have a member from the  
24 Hart staff, so maybe see if he wants to comment.

25 MR. SEEVER: My name is Jim Seever with Hart

1 InterCivic, and I just want to say we agree with the  
2 conditions set forth.

3 MR. JENNINGS: Thank you, Jim.

4 MR. GUTIERREZ: Mr. Chairman, I move staff's  
5 recommendation with the conditions one through four.

6 MR. JENNINGS: We also had a fifth condition, the  
7 procedures.

8 MR. GUTIERREZ: Thank you. With the five conditions.

9 MR. MOTT-SMITH: You would take verbatim out of the  
10 first staff report the wording?

11 MR. DEDIER: Yes.

12 MR. GUTIERREZ: And then add the fifth one?

13 MR. MOTT-SMITH: Would you also, Chon, be agreeable  
14 that we are required to make findings specified in the  
15 Elections Code that this meets certain statutory, etcetera?  
16 Could we insert the language of that finding into your --

17 MR. GUTIERREZ: Yeah, my recommendation would start  
18 with the words "It is the opinion of the elections division."  
19 So the answer's yes.

20 MR. MOTT-SMITH: Okay. What I'm actually asking for  
21 is the insertion of the exact language out of that code  
22 section into this motion so that we are making the required  
23 finding.

24 MR. DEDIER: We can do that.

25 MR. GUTIERREZ: That would be fine.

1 MR. JENNINGS: Is there a second to Chon's motion?

2 MR. MOTT-SMITH: Second.

3 MR. JENNINGS: Seconded by John Mott-Smith. Any  
4 further discussion? If not, we will go ahead and ask for the  
5 vote. All in favor of the motion signify by saying aye.

6 MR. REYNOLDS: Aye.

7 MR. MOTT-SMITH: Aye.

8 MR. JENNINGS: Aye.

9 MR. GUTIERREZ: Aye.

10 MR. TROUT: No.

11 MR. JENNINGS: All right. Move on to the second item  
12 on the agenda, which is consideration of the WinVote Touch  
13 Screen Voting System and the WinVote Ballot on Demand Optical  
14 Scan Voting System.

15 I was informed by Lou prior to the meeting that  
16 actually we'll only be considering the first item of that, or  
17 the first part of that item, which is consideration of the  
18 WinVote Touch Screen Voting System. And their vote on demand  
19 -- their vote ballot on demand optical scan system will  
20 actually be put off to the next meeting. Is that right, Lou?

21 MR. DEDIER: That is correct.

22 MR. JENNINGS: Well, then, I'll turn it over to you  
23 for your analysis.

24 MR. DEDIER: Back at the last meeting we had taken a  
25 look at the system. We had provided a full demonstration.



1 The system was tested by Robert Nagely and myself, basically,  
2 for a three-day period of running ballots. We ran a primary  
3 election. We ran a very small general election.

4 What we did is we focused more on the idea of what  
5 was in the wireless transfer. Because this is a wireless  
6 system. The system met all the requirements. They did  
7 testing with National Federation of the Blind. They provided  
8 user testing. They went for ramification of security  
9 testing. We were concerned with that, with the wireless  
10 system and how we can interface or basically break into that  
11 system.

12 So that was a lot of our focus with the new  
13 technology. We wanted to take a slow approach. We left this  
14 system actually up in the election systems set up for 20 days  
15 for people to vote on and play with. We ran it through the  
16 numerous testing, numerous groups, and basically they have  
17 met all the requirements. We cannot find anything wrong.

18 But at the same time I'd like to make a clarification  
19 of why we are splitting the systems apart. Currently there's  
20 many counties out here that have paper systems currently in  
21 their process. These vendors are breaking their systems  
22 apart because they might want to mix and match. They might  
23 want to only select an ERE system from the vendor versus  
24 paper.

25 I will tell you the paper system runs off the same

1 ballot generation software as the initial. So when you set  
2 up your software for the touch screen, it is also doing  
3 paper. Some of the new items that are added in that haven't  
4 been seen a lot is an automated ballot rotation. It gives  
5 the county the ability to place an alphanumeric notation for  
6 an automated system and basically put those sources out to a  
7 review prior to the election.

8 In addition, they can set up the language. And we  
9 are not saying set up the language that are not viewed. It  
10 sets up the language in multiple languages. If you are going  
11 to create the ballot in English, the system has the ability  
12 to create it in Spanish at the same time, but that's for an  
13 output to go to a translator to view the ballot and then come  
14 back in, make sure it is correct. Then it goes out on the  
15 screen.

16 If you were doing that in paper, the systems would  
17 produce the paper ballot in the same exact format as the  
18 touch screen. If you print the ballots on this machine, what  
19 it does is if you download -- when the election is over, if  
20 you came back in and said "I need to produce the entire  
21 election on paper," what the recommendations are from this  
22 company is you can produce it on the ballot stock.

23 In other words, paper stock that has a real mark on  
24 it and run it through your optical scan. That's a feature  
25 that it has. It might not be a feature that an election

1 official uses. There's many features in the new systems that  
2 come forward. They have been listening to what the election  
3 officials are saying and what they are dealing with in trying  
4 to create a product that can be useful to them.

5 At the same time the new technology allows the  
6 election official to load their ballots from one server. You  
7 can load all your ballot styles from one location, or you can  
8 choose to load them on a manual process. It is really up to  
9 the election official.

10 Every other process that checks along the way would  
11 still be there like any other systems, the checks and  
12 balances. It is just giving the election official a few more  
13 tools to do their job.

14 Basically we felt the system met all the  
15 requirements. We have had it in testing for quite a period  
16 of time. I still have two of the units back in the office.  
17 I plan on doing a display. They have the paper system  
18 currently here to display if you guys wanted to take a look  
19 at it. I'll let you take a look at it after the meeting if  
20 you want to take a look at the system that's being introduced  
21 on the paper side.

22 It is not up for certification. We are going to run  
23 that through the same testing as Hart was subjected to.

24 As far as the WinVote itself, we recommend  
25 certification with the following conditions: That the vendor

1 must let SOS know prior to any sell or install and will be  
2 present during the first running of such election. That  
3 procedures for the WinVote system shall be redesigned and  
4 meet California style template, and the procedure will be  
5 submitted to the SOS for review by staff with a report and  
6 forwarded to the VSP for approval.

7 The vendor is also reminded that any changes and  
8 modifications to this equipment need to be ran through this  
9 Board prior to being deployed or marketed to any county in  
10 California.

11 Other than that, basically, we recommend  
12 certification of the WinVote Touch Screen System.

13 MR. JENNINGS: Thank you. Do we have any questions  
14 or comments from members of the panel?

15 MR. MOTT-SMITH: I have a question. Would you mind  
16 going to the back chart here, and I have to get used to the  
17 new name, too, Advanced Voting Solutions.

18 Would you summarize the advisory panel's comments.  
19 In particular, were there any red flags or cautions that were  
20 raised?

21 MR. DEDIER: There were some issues and concerns  
22 towards security and the ability about printing precinct --  
23 results into the precinct. Currently the systems, we require  
24 that a precinct report be printed inside the machine.

25 Now, early voting is a different scenario. Early

1 voting has different templates that have been adopted by the  
2 Secretary of State. But on an average, the system has a  
3 printer inside the unit.

4 Some additional concerns was the function of the  
5 system, the wireless transfer, the reliability that the  
6 vendor has with regards to security. The advisory committee  
7 relies on the testing, as I said, the Robert Nagely and  
8 myself did as the security issues.

9 Security is a big concern on this system. We looked  
10 specifically at the security and the system, and we felt the  
11 security was very strong in the system. We tried  
12 manipulating the data. We tried backing off the data. The  
13 data doesn't change. The encryption worked.

14 So at the same time those are things that the  
15 advisory committee noted, which is good, because they are  
16 actually questioning the idea of what we do, which is a very  
17 smart comment.

18 In addition, the idea that a pole worker could  
19 possibly manipulate the system or outcome of the election,  
20 that's part of the encryption, and that's why we tested the  
21 encryption. And the encryption did work. There was no --  
22 myself nor Robert Nagely could bust into the system. And why  
23 they did so well, it is Cyber. Cyber looked at the Source  
24 Code, and Cyber looked to make sure that the securities of  
25 the system were intact.

1           One issue of it is the system. Even though they say  
2 it is wireless, I want to point out that one feature of the  
3 system which wasn't covered very well with the advisory  
4 committee, the system is wireless, but at the same time the  
5 system has the ability to stand-alone.

6           The wireless network provides additional security.  
7 So if one unit is trying to be tapped into, it notifies the  
8 additional unit that the security's being broken into or  
9 attempted to. If one unit has a problem, the other one knows  
10 it. So there's this circular loop in the wireless  
11 communications.

12           But the systems can run stand-alone, just as the  
13 other touch screens do in California. So the system that you  
14 see, the wireless transfer is a tool the election official  
15 has the ability to use. But it is an A/B. They can choose  
16 not to use that and say "I don't want the wireless systems to  
17 be on." They can just turn it off, and the unit runs  
18 stand-alone, just as with Sequoia.

19           So it is an A/B type of situation, but the wireless  
20 is very secure.

21           MR. JENNINGS: One of the things that I noted  
22 particularly was Michele Townsend's concern with respect to  
23 the printing of the ballot, particularly at the precinct  
24 level. Not of the ballot, but of the results. The worry  
25 that there could be jamming and a whole other -- number of

1 other things that could occur in that printing process that  
2 would really be a major concern.

3 MR. DEDIER: Certainly. The system does do that.  
4 But at the same time it does record that data on an eight and  
5 a half by 11 report. That's an either/or. They have a  
6 printer. But in addition, the reports are run by an eight  
7 and a half by 11 format that can be printed at the County  
8 level. It gives the election official the option if they  
9 need to print precinct reports at the precinct.

10 It doesn't reproduce the ballots. If you ask the  
11 system to recall the ballot and print the entire election on  
12 paper, you would see the exact image of the ballot that was  
13 captured, and then you would see your reports in eight and a  
14 half by 11 reports.

15 MR. JENNINGS: They would not be able to do that at  
16 the precinct level?

17 MR. DEDIER: No, just like the rest of the system out  
18 there. So that's one issue with those tape printers, you are  
19 always subject to a jam or running out of paper, and that's  
20 probably an issue at some point this body might want to look  
21 at.

22 But at the same time we would have to look at the  
23 idea if we didn't have that ability and somebody wanted that  
24 ability for their voters, we are taking away an additional  
25 auditor at the precinct level.

1           MR. GUTIERREZ: Can I follow up on that? Two  
2 questions. The first one is from just a mechanical  
3 perspective. What steps need to occur for that tape to be  
4 printed?

5           MR. DEDIER: Basically a closing of the poles. When  
6 we open the poles, the tape will print a zero tag basically  
7 saying your poles are opened. When you close your poles, the  
8 printers will basically print out to the machine.

9           At the top it has a cutoff that basically tears off.  
10 That's one of the changes we made to the unit that came out.  
11 Basically when we pull that strip off, they would put that in  
12 place with the cartridges when it goes to the County, or they  
13 could post it if need be. But the idea is it would just  
14 print on a thermal printer just as every other unit has.

15          MR. GUTIERREZ: What would activate that?

16          MR. DEDIER: The closing of the poles.

17          MR. GUTIERREZ: You turn the key on?

18          MR. DEDIER: No. When you place your card in to  
19 close the poles -- let's say you have a pole closing card or  
20 sequence of events, I am speaking generalization of  
21 systems --

22          MR. GUTIERREZ: No, on this one here.

23          MR. DEDIER: Card places in. As the card places in  
24 to close the poles, basically that activates and says "Are  
25 you sure you want to close the poles," you press "Yes." As



1     you press "Yes," it basically will start to produce a tape.  
2     When that tape, with the wireless system, each system will  
3     print -- they all close. Every system closes at that time if  
4     the wireless is on. As the wireless closes, each system  
5     prints a separate report and then an additional tally. Your  
6     total results are tallied on one report from one machine  
7     because you have selected the machine as your host.

8             If that's off, then each one would present a separate  
9     tally. So you have a couple different options. It is up to  
10    the election official, but each one of those systems meets  
11    code as it's stated for being able to produce precinct  
12    results and the precinct.

13            MR. GUTIERREZ: Let me restate my question and then  
14    restate your answer. What triggers this tape? The answer is  
15    it is done automatically?

16            MR. DEDIER: Automatically with your closing pole  
17    card.

18            MR. GUTIERREZ: Is this the same demonstration that  
19    was demonstrated in the back and the paper jammed immediately  
20    when they were demonstrating.

21            MR. DEDIER: What she did is closed the top,  
22    basically, of the system and that system would not be closed.  
23    That paper would print out the top. What you see is the  
24    first system on the type that we are certifying for them has  
25    the hole to where the paper goes through. It is not held in

1 the unit.

2 MR. GUTIERREZ: Unfortunately what I saw was the  
3 paper jamming. This is the point that Michele's making.

4 Other systems, do we have any other system that  
5 produces a tape in the same manner as this system  
6 automatically when closing the poles?

7 MR. DEDIER: Basically each.

8 MR. GUTIERREZ: So this concern applies to every one  
9 of them?

10 MR. DEDIER: That's where you get into the idea when  
11 you get into a printed tally or tape, the system -- now,  
12 accounting could choose not to do that and have that printed  
13 receipt, that ability. But when you get into any type of  
14 printing mechanism located inside the unit, that is a point  
15 of failure involved in the system.

16 MR. GUTIERREZ: Thank you.

17 MR. MOTT-SMITH: Can you add to what you just  
18 described in terms of the environment of the Proposition 41.

19 MR. DEDIER: Proposition 41 requires the system to  
20 have the ability to produce a paper trail or facsimile of the  
21 ballots or the votes at the precinct or county location.

22 So basically that system, the printers would make the  
23 systems qualify, the ability to qualify for Prop 41 votes.

24 MR. GUTIERREZ: I appreciate the point. My concern  
25 was that one way to mitigate some of the Michele's issues,

1    which I took very seriously, is to make it have a protocol to  
2    not have that tape printed.  Because maybe you don't need  
3    that tape.  You don't need the paper product.  Maybe you  
4    don't.

5           MR. DEDIER:  Exactly.  I think at the point where we  
6    evolve as a state and as people, just as we did with ATM  
7    machines, that receipt will become an option.  I think down  
8    the road that receipt will actually be something that  
9    disappears from technology, but it will probably be over the  
10   confidence of the people and reliability of the machines.

11           These machines are new, and with technology involved  
12   -- even though this is 2002, there are still voters out there  
13   that say "When you touch a screen, I rely on paper."  So we  
14   have an uphill battle to convince people that these machines  
15   are secure.

16           That's been a regular speaking engagement for me with  
17   groups, is to show the security of the systems.  The systems  
18   are secure, but at the same time other people don't -- so if  
19   we need to print those, eventually I believe that printed  
20   receipt will be something that will probably go away, but it  
21   is when people feel reliable enough on the systems that we  
22   will feel comfortable enough to bring that to the Board.

23           MR. REYNOLDS:  I would just like to clarify the Prop  
24   41 language is not something that can be amended by the  
25   Legislature.  It will have to go back to the people to get

1     rid of the provision that says it has to get rid of this  
2     capability. It is in the law until someone goes back to the  
3     ballot box, and we have reached that point of comfort. And  
4     we don't know whether the Legislature will ever have that  
5     level of an interest. That doesn't seem to be a concern to  
6     the public to bring it back to them for removing that  
7     language.

8             To the extent that there's a problem with it, then it  
9     will become maybe something that they will do something  
10    about. But that can't be amended by the Legislature.

11            MR. MOTT-SMITH: If I can also add -- I think Michele  
12    communicated with several people, so I am not sure exactly  
13    what your communication was. As I understand your concern,  
14    it is just is the machine currently required to use a machine  
15    with a printer, and the answer's no.

16            However, I think if she wants to receive funds from  
17    Prop 41, she's going to have to look at that.

18            MS. TOWNSEND: Basically I don't mind producing the  
19    paper. I think that's essential to comply with the measure.  
20    My concern is we have some uniformity with the systems. It  
21    might be new to California, but they have been around in the  
22    nation for 15 years, and they haven't produced paper for each  
23    voter.

24            I didn't want paper jamming with a long line of  
25    voters. So by meeting the terms of the measure, being able

1 to produce that paper product at election headquarters at the  
2 close of pole would be preferable to showing any kind of  
3 paper trail.

4 MR. GUTIERREZ: Would you repeat that, just the last  
5 sentence.

6 MS. TOWNSEND: It is my understanding that the closed  
7 poles, we can produce that paper at election headquarters,  
8 that it doesn't necessarily have to be out at the precincts.  
9 I think that's preferable to producing any kind of paper  
10 product for every voter in which the mechanical printer could  
11 jam and they misunderstand that the DRE equipment is failing,  
12 which it isn't.

13 MR. GUTIERREZ: I appreciate your point very much.  
14 And what's going through my head is that one of the ways to  
15 solve that particular perception issue is to put a feature in  
16 there that allows you to exercise judgment as to whether you  
17 print or not print. And if you do print, that it be a  
18 conscious decision, not an automatic one.

19 MS. TOWNSEND: Correct. And that's what we've done.  
20 We have chosen not to print at the precinct.

21 MR. MOTT-SMITH: The Voting Modernization Board  
22 hasn't specifically addressed the question that Michele  
23 raises, but I think that the general discussion has been to  
24 assume that the requirement has been to produce a piece of  
25 paper at the polling place when the poles close.

1           I think if there's a different interpretation, I  
2 think that's going to have to be something that the  
3 Modernization Board will discuss. But at least my impression  
4 is that's not their understanding.

5           MR. TROUT: The language of the bill is pretty clear.  
6 It says any voting system purchased using bond funds that  
7 does not require voter to directly mark on the ballot must be  
8 produced at the time the voter votes his or her ballot or at  
9 the time the poles are closed, a paper version.

10          MR. GUTIERREZ: Must produce as opposed to must be  
11 capable of producing.

12          MS. TOWNSEND: I was relying on a legislative person  
13 who indicated that the close of poles didn't necessarily mean  
14 at the polling place, but I understand.

15          MR. JENNINGS: I would interpret it to go either way.  
16 As it stands now, it is an option with you, Michele?

17          MS. TOWNSEND: Yeah.

18          MR. JENNINGS: Is it not an option with the other  
19 counties?

20          MR. DEDIER: No, it is an option with the other  
21 counties. It is an option on the machine. Basically what  
22 the problem is, is on all these printers and all these  
23 machines, the machines are made so small to reduce the weight  
24 that the printer option doesn't have much room to breathe, or  
25 basically doesn't have any output devices for the tape.

1           So what Michele is saying is true. When we run a  
2 report, we do a testing, and we run a tape. As any vendor  
3 that's tested with us, that tape is extremely long. If they  
4 don't use an output device for that tape to go out of and  
5 store it inside the machine, it is a lot of tape. When we do  
6 600 votes or 500 votes, you're talking quite a few feet of  
7 paper.

8           As most the vendors say, "I have never used as much  
9 paper as we do when we test." But at the same time, that  
10 could happen, depending on the length of the ballot and size.  
11 And one of the issues we get into is we do test for the speed  
12 of the printer versus the output device. Basically the  
13 transfer of data.

14           Most of the vendors we talked to, we made sure the  
15 expansion of the memory can handle the output of the printing  
16 device. That's one of the challenges we had on each machine.  
17 It has been a very small change to update and just put a  
18 printer chip in, more memory.

19           They get into these large ballots during testing. So  
20 when we print that output of that device, what it is is the  
21 memory exceeds the capability. The system goes to the next  
22 load, and the printer's not done printing. Just like on your  
23 PC, you close that screen, it kills the print. All of a  
24 sudden you assume that doesn't work. You got to download.

25           What we did is the screen won't come up. The speed

1 matches the output device, and that's on the machine. This  
2 one does match, but it is an option. It is an option to have  
3 that printer available.

4 I do not think at this point in time it is an option  
5 to turn it off. The vendor has not asked for a printer to be  
6 removed from the system. They are selling the unit as a  
7 whole. Their machine, one unit is it. One unit is  
8 accessible. You can pick any one of the units, and they are  
9 fully accessible. Each one has a button. Every machine they  
10 sell is the same. You can pick any one for an audio ballot  
11 and print from each one. Each one is identical.

12 So they don't sell two units. This specific vendor  
13 sells one unit that has full capability.

14 MR. REYNOLDS: I don't know if there's a construction  
15 clause in the act. I don't -- but I would imagine that if  
16 you were to construe that to mean at the time the poles are  
17 closed meant at the polling place, you could spend a lot of  
18 time waiting for the tape printing.

19 It would seem more efficient to bring it back to a  
20 central location.

21 MR. JENNINGS: It wouldn't delay the physical closing  
22 of the poles.

23 MR. TROUT: The printing, though, is going to take  
24 the same amount of time whether it is in the polling place or  
25 at the elections office.



1           MR. REYNOLDS: I just think of the physical return of  
2 the pole worker to the central location. That's what I'm  
3 referring to.

4           MR. MOTT-SMITH: I can make a try here. Currently if  
5 the county wishes to turn on that functionality or not,  
6 that's the county's decision. It is the Voting  
7 Modernization's to say whether or not they are going to give  
8 money to the county that doesn't turn that function on.

9           So I would suggest if you wish to ask for  
10 clarification, this isn't the right body to ask that from.  
11 If you would direct a letter to us to forward to them, we can  
12 raise that question. That was directed to Michele Townsend.

13          MR. JENNINGS: Okay. Do we have any further  
14 questions or comments from the panel members? If not --

15          MR. REYNOLDS: Just one last clarification. We are  
16 not talking about a ballot on demand?

17          MR. DEDIER: That is correct. The system has been  
18 selected. That will be available for you at the close. I  
19 don't want to take up your time. I know it is valuable. At  
20 the end, if you want to spend a few minutes going through the  
21 system in the back, that would be great.

22          MR. JENNINGS: Do any members of the advisory  
23 committee have any questions or comments? I want to thank  
24 you, Michele, for your very complete analysis. I thought you  
25 did a very good job and caused some questions in my mind as

1 well. Hopefully they have been answered.

2 Any comments from the general public or any of the  
3 vendors? If not, I'll call for the question.

4 Anybody have a motion to offer?

5 MR. MOTT-SMITH: I would move approval of the staff  
6 recommendation with the conditions as specified and the  
7 additional insertion of the same statutory language with the  
8 finding that we are required to make as a condition.

9 MR. DEDIER: That's fine. I'll have that placed.

10 MR. JENNINGS: Moved by John Mott-Smith. Any second?

11 MR. REYNOLDS: Second.

12 MR. JENNINGS: Seconded by Chris Reynolds. Do we  
13 have any further discussion?

14 MR. GUTIERREZ: Yeah. Mr. Chairman, probably the  
15 group here at the table, I am the least experienced in voting  
16 systems and voting procedures. I have been voting since I  
17 was 21 years old in Sacramento County and once in Vietnam.

18 So I really don't have the kind of experience that  
19 Lou has and John and the advisory committee. But perceptions  
20 about voting systems are particularly important.

21 And I focus on that issue, and I rely a lot on the  
22 practitioners in the field, which is Michele, Ernie and  
23 others, as to how these systems will function and how people  
24 will perceive them.

25 I was troubled, though, to be very direct with you,

1 by the fact that I saw that paper jam, and it just ran and  
2 ran and ran. And that poor sales lady was panicking, but she  
3 did a wonderful job of covering up.

4 It troubled me that this thing kept going. I was  
5 saying, "Wow, what if this was a real live election and  
6 things started to perform that way?" I can just see my  
7 70-something-year-old in-laws who have been pole workers for  
8 years, for 30 years. There was a Sacramento Bee story about  
9 them.

10 I don't know that they would know what to do, and  
11 that's troubling. I appreciate Lou's comments that this  
12 system's not unique in that way, that others have the same  
13 problems, and I very much appreciate the point. But the  
14 printer is the problem, and we are trying to miniaturize  
15 everything. And when things like that happen, Mr. Chairman.  
16 I wish they wouldn't.

17 So maybe, you know, I will cast my vote as you  
18 believe appropriate in terms of keeping the process going,  
19 but I would like to have this body address the issue of the  
20 printer.

21 I have a different view than John Mott-Smith. I very  
22 much respect his thought process. I don't think this is a  
23 Voting Modernization issue. I think this is an issue of what  
24 kind of system shall the Secretary of State certify, and the  
25 system that gives the counties the best options that ensure a

1 smooth election takes place.

2 Again, I don't think it is unique to this system.  
3 The point has been made that it is not. I wanted to share at  
4 least those thoughts. They are rattling in my mind at the  
5 moment on the issue of the tape.

6 MR. JENNINGS: Appreciate that. Thank you for your  
7 thoughts. John, do you have any response to that?

8 MR. MOTT-SMITH: I guess in a general sense, what we  
9 do is certify that the equipment is -- meets the statutory  
10 requirements for security, user friendliness, accuracy,  
11 etcetera.

12 Any of the issues, including printer failures, are  
13 issues that could happen and do happen in any system, even  
14 the polling system. There are points of failure that depend  
15 upon the people that operate them.

16 It is true as we move to a technology that is outside  
17 of the greater population's ability to understand possibly  
18 that we expose the process to a need for greater  
19 sophistication in pollings workers.

20 But if you wanted to move a resolution to prohibit or  
21 avoid any kind of polling place type of problem or problem  
22 with a pole worker who doesn't know how to do things, I would  
23 support that resolution. But I don't mean to be -- probably  
24 as I sound I am being -- a little bit facetious. We can't  
25 control those things. The vendor controls those. The County

1 controls those through their quality control processes at the  
2 polling places.

3 Michele doesn't have printers in hers, but she still  
4 has 175 different things that go wrong. And that's why she  
5 had 175 people out there troubleshooting on her first  
6 election, so the staff can learn how to troubleshoot those  
7 things, fix them, take care of them.

8 That's going to be an issue with every single system,  
9 every single product that we look at that is not the  
10 traditional paper vote.

11 You're right. There's risk there in the sense of we  
12 are going in a new direction, but the benefits, at least in  
13 my mind, outweigh the risks. And the risks are manageable by  
14 the people that are in front of me.

15 MR. GUTIERREZ: Let me just provide a footnote to  
16 John's comments. I appreciate them. Again, he's an expert  
17 in the field, and I am certainly not. The tape failure I saw  
18 did not result from someone who didn't know how to use the  
19 equipment. The tape failure resulted from the way the system  
20 was designed.

21 It did not have a place to release the paper. It had  
22 to be folded up in a very unique way, and that's going to  
23 work 50 percent of the time.

24 MR. JENNINGS: As he indicated, it had been  
25 addressed.

1           MR. DEDIER: That is one of the things we changed  
2 during the certification. When we change systems, some of  
3 the things --

4           MR. GUTIERREZ: You think that solved it, Lou?

5           MR. DEDIER: I think that solved the printing  
6 problem. As staff for the VSP, what I would like to do as  
7 staff would be to take our staff here, and we will track when  
8 other states have an election.

9           I don't think this is an issue to stop a  
10 certification process. But what we can do is track and see  
11 how many printer failures there is so maybe this body can  
12 address it in a report in a formal forum.

13           We can present to you how many printer failures there  
14 were, not just in California, because we are going to be  
15 trailing behind Florida, so to speak, for just a short period  
16 of time.

17           And Washington is getting ready to implement a system  
18 as well as Georgia. As we track with other states to see if  
19 this is an issue that we need to worry about the paper to  
20 maybe jar the election committee, so to speak.

21           But I would be willing to put together a report for  
22 you. It wouldn't be fast coming. It would be over the next  
23 six months, but I would be able to do that, give you how many  
24 printer failures that existed in our testing.

25           I think we can take a proactive role and make sure

1 the equipment functions in a way that it doesn't undermine  
2 the integrity of the voting system. I think that's  
3 worthwhile.

4 MR. REYNOLDS: Can I clarify, there has been a design  
5 change to try to provide for that?

6 MR. DEDIER: There has been a design change.

7 MR. GUTIERREZ: And it has been tested and worked?

8 MR. DEDIER: Exactly. When we make those type of  
9 changes, those are changes to the output of the equipment.  
10 We have them demoing it. We do have the changes in place.

11 But the equipment we had them demo, we were moving  
12 them so quickly, it is just with the marketplace of the VMB.  
13 It is the nature of the beast.

14 At the same time I will take -- to let you guys know,  
15 as I calculate and estimate, at the same time -- it is off  
16 the subject of the system, but right now coming before you  
17 before December will be an additional 25 either modifications  
18 or systems before December.

19 This is more than you've certified in 20 years. More  
20 systems -- and you are going to do it in a 16-month period  
21 versus 20 years. So we have had about a 2,000 percent  
22 workload increase as far as the systems. They are pushing  
23 them through.

24 Hart notified me they are applying for modifications  
25 to their system to enhance the capability of the election

1 officials. Next week, actually Monday, we should receive a  
2 package from Sequoia.

3 And what they are doing is everybody is raising the  
4 bar. We have created a level of competition within the  
5 vendors that we are going to have some really great systems  
6 coming out of this. If one vendor comes up with it, every  
7 vendor comes up with it. Because if not, they lose a grasp  
8 on the marketplace.

9 And the leader doesn't stay consistent. The leader  
10 continues to rotate as far as technology goes.

11 MR. TROUT: If we don't get this right the first  
12 time, they are going to have to come back for a modification,  
13 just adding to that increasing number, you know, if they  
14 didn't get the printer fixed or there's other issues.

15 I don't think we should roll them over. If we need  
16 to slow down the process, then so be it. I know the counties  
17 need to buy new machines and the window of opportunity here  
18 is small, but at the same time they are making a big  
19 purchase.

20 I think we want to make sure that the commitment they  
21 are making now is going to be a ten- to 20-year commitment,  
22 and we want to make sure they make it with the best  
23 information that they can have.

24 MR. DEDIER: I didn't mean to allude to the point  
25 that the modifications that are being made are to correct a



1 problem. They are being made to enhance products. Let's say  
2 Hart, currently they have the ability to produce a two-column  
3 Ballot now. They are going to try to go to a three-column  
4 ballot.

5 Sequoia is going to put an automated rotation setup  
6 in their system. That's something you have seen from the new  
7 vendors. I should allude that it is not a problem with the  
8 modifications. The modifications are being made because the  
9 competitors are coming up with a better idea.

10 They are meeting the certification, but that's going  
11 to be a continued evolving process until California is sold.  
12 As soon as we have 54 contracts in place and we are doing 54  
13 implementations, we won't see those modifications. We will  
14 see them very slowly once a year.

15 As it sits now, the counties are saying in an RFP  
16 process, "Orange County, how come your system doesn't do  
17 that? I just looked at A, and A does this." The vendor  
18 takes note.

19 Believe me, they come back to their group of  
20 engineers and they say, "How come ours doesn't and they say  
21 it can," and they say "Let it go." Wiley Laboratories,  
22 Systech and Cyber are so busy right now they have six to  
23 eight systems in testing weekly, where they used to actually  
24 have -- a year ago they used to have to tell a vendor "I  
25 can't test your equipment because we batch test, and we don't

1 have enough voters to run a test."

2 Now they are having to say to testing entities, "I  
3 can't test your software because we are full." We are in a  
4 marketplace, and it is really fast-paced, but it will slow  
5 down.

6 I just want to give you guys a glimpse of what's  
7 coming in the future before December.

8 MR. JENNINGS: I think Lou's suggestion is a good  
9 one. I think we should consider a resolution, John, after  
10 the motion that's on the floor is voted upon. And then we'll  
11 consider a resolution from this body directly, Lou, to  
12 compile that report over a period of time and report back to  
13 this panel with respect to particularly any printing problems  
14 they experience in other states.

15 All right. We still have a motion on the floor and  
16 second. Any further discussion? All right. Are we prepared  
17 to vote? All in favor of the motion signify by saying aye.

18 MR. REYNOLDS: Aye.

19 MR. MOTT-SMITH: Aye.

20 MR. JENNINGS: Aye.

21 MR. GUTIERREZ: Aye.

22 MR. JENNINGS: Opposed say no.

23 MR. TROUT: No.

24 MR. JENNINGS: Did you not vote?

25 MR. REYNOLDS: I voted.

1 MR. JENNINGS: All right. Then congratulations to  
2 Shoup with respect to their WinVote Touch Screen System.

3 We then move on to the consideration of Avante Vote  
4 Touch Screen System.

5 MR. DEDIER: What I would like to do is give you an  
6 update. We anticipated that the Avante, they started testing  
7 towards the end of June, and we placed these systems up on  
8 the agenda.

9 What we are trying to do is give you an overview of  
10 the system. The system has been through the advisory  
11 testing. Each one of you had a listing of the items that we  
12 found during certification that we addressed with things.

13 One of the issues that comes up with changes is it  
14 changes two things: It makes it better and it makes  
15 opportunity for the County to have a better piece of  
16 equipment.

17 But it changes two other elements. One they said  
18 needs to be notified and they said needs to approve these  
19 changes. That's been done, but then we have a paper problem  
20 because the manuals don't match the operation output of the  
21 machine.

22 So the changes you see reflected on the three-,  
23 actually, four-page spreadsheet that were made to the system  
24 creates a manual issue problem. The system did very well in  
25 performing on testing, but it is not written. It is not

1     said.

2             So, therefore, I would like to postpone any motion on  
3     the floor of any evaluation of the system until the next  
4     meeting on the 22nd.  Because until I have written  
5     documentation, I cannot release my report to you.  And I  
6     basically feel that the manuals here what I have seen on the  
7     system, somehow the system operates.

8             And at the same time I also gave you a copy of the  
9     advisory committee's notes.  What we have done is during the  
10    advisory committee testing, I have an independent notetaker  
11    that takes notes of anything the advisory says on the system  
12    or sees on the system, kind of refresh their memory when they  
13    go back in to do their evaluation.

14            We thought that would be a good tool to have.  That  
15    way if they are not sure but they thought they said it, they  
16    can recall it.

17            The advisory committee did comment on the changes.  
18    It is not saying that these changes made the system not pass  
19    certification.  The system met the standards, but at the same  
20    time these are relative to California standards and increased  
21    tools for the election official to use.

22            During the advisory committee, it asked for changes  
23    to be made.  The company agreed to and has been able to  
24    produce those changes.  But at the same time that started  
25    even more documentation change.

1           So what we are going to have the next month, with the  
2 vendor complying and the manuals being on time, we will have  
3 a polished system and be able to show you a good, clean  
4 report that you can make an evaluation on.

5           MR. JENNINGS: Thank you. Steve, do we need a motion  
6 on this, in your opinion, or we just simply put this off?

7           MR. TROUT: No, we don't need a motion.

8           MR. JENNINGS: Do we have any comment -- John, would  
9 you like to comment on this? This meet your approval?

10          MR. BURNS: John Burns, Avante. First I'd like to  
11 thank the advisory committee with the feedback we received  
12 from them and be able to incorporate it. It does meet our  
13 objective time line.

14          MR. JENNINGS: Okay. Great. What we'll do is  
15 schedule you for the first item of business on the 22nd, and  
16 the meeting is now set for August 22nd.

17          MR. REYNOLDS: Can I get clarification on one item,  
18 the list, 73 items, the to do list. These are the things  
19 that should be completed before the item comes back on August  
20 22nd?

21          MR. DEDIER: Exactly.

22          MR. REYNOLDS: There's an indication there are four  
23 types of things that need to be done. B refers to  
24 specifications, and then there are some parts, for  
25 instance -- there was a comment by staff that things had been

1 done and that the system would meet the standards. So some  
2 of these things that refer to specifications, the way I'm  
3 interpreting that is they haven't figured out a way to do it  
4 yet. They need the specifications to fix whatever it is, but  
5 it is actually a documentation question.

6 MR. DEDIER: It is documentation. In other words,  
7 the system has the ability to do it, but the documentation  
8 wasn't clarified enough for a user.

9 Part of the evaluation of the system is not only test  
10 the system to make sure it is secure, it is to make sure the  
11 operating procedures are equivalent. That way I can give  
12 that to you formally.

13 The California procedures are a different set of  
14 procedures that we will recommend to any vendor. As we come  
15 in with operating procedures, we evaluate every item of the  
16 procedures. What we are trying to ensure is that the  
17 election officials around California get procedures that are  
18 clearcut, precise.

19 And if the documentation is felt not to be accurate,  
20 then we address that with them because that is part of the  
21 certification process, is to have the documentation in order.  
22 That's where we address that.

23 What we do is split the load. I take a portion and  
24 he takes a look, then we reverse those and look over each  
25 other's things and then come back and say "What do you think

1 is lacking in the procedures or manual? Did you miss  
2 something?" Where you get into it is a lot of time products  
3 with vendors, they tend to leave an unknown. In an election  
4 system there is no unknown to the official. The official  
5 needs to know the entire system, the entire documentation.

6 Flash memory, there's currently posted 200 vendors in  
7 flash memory. Which time do you want your machine used? If  
8 you specify that to the County, it has done two things: It  
9 tells you what you recommended for the system, but it also  
10 gives the County a tool when they go out to purchase this,  
11 not to get into bid requirements where they don't get  
12 something they want or get low bid.

13 If you say flash memory, if you just say CD, there's  
14 close to a hundred on the market. Some work, some don't.  
15 You have to be specific. That's where we go through the  
16 system, every line, every piece.

17 We have to look at every single thing. If it doesn't  
18 match, it doesn't pass. Not saying that I am not giving a  
19 recommendation. I am saying I can't forward it to you with a  
20 clear conscious saying I am asking for approval or  
21 disapproval.

22 So we tell that to the vendor. The vendor could say  
23 "I don't believe it is so," and he could come to this body  
24 and speak before me and say, "I don't agree with the  
25 recommendation." Because if the manuals didn't mirror it, I

1     couldn't in good conscious give you a recommendation to  
2     approve that equipment. I would have to sit here and say "It  
3     passed the testing, but I believe the documentation is  
4     lacking, therefore, I can't give you a recommendation for  
5     certification." The vendor might say differently. At that  
6     point you would have to evaluate.

7             MR. JENNINGS: Anything else, Chris? All right.  
8     Then we'll move on to item four of the agenda. We do have an  
9     e-mail message from Vote Here, Inc., from Derek Dictson, who  
10    is a government affairs manager, saying that they would like  
11    to request a delay in their certification testing for  
12    California. Given our near-term resource commitment to the  
13    FVAP SERVE project, it is unlikely that we can complete the  
14    required updates to our pole site system on the aggressive  
15    time line that we have originally discussed. Apologize for  
16    the delay, and we will contact you as soon as we have a time  
17    line in place for the system update.

18            So item four of the agenda is put off for at least  
19    the time being, and we don't know when they might be back.

20            MR. DEDIER: I will give you an update. We gave a  
21    testing parameter to Vote Here, just as we do with any other  
22    vendor.

23            We gave Vote Here exactly what they were going to  
24    have to be tested on. Two days prior to that testing they  
25    came back and said there were changes that they would have to



1 do to meet our certification standards, basically that it  
2 could not pass the test. They are engaged in a huge project  
3 with the federal government. They estimated 60 to 90 days  
4 they will have these changes made.

5 But according to the Election Code, when an  
6 application enters, it is within 30 days' response from the  
7 time that we give them to the date of test. We said we could  
8 extend it, but we couldn't extend it more than 30 days out.  
9 So they chose to ask it be postponed.

10 MR. JENNINGS: I don't think any further action has  
11 to be taken, then. We'll just wait for them to reapply.

12 And finally the final item on the agenda is a  
13 demonstration of Voting Technologies DRE system, and I guess  
14 this Board can -- this panel can move to the demonstration,  
15 and we'll come back and adjourn after that demonstration is  
16 completed.

17 Of course, I would invite all members here of the  
18 audience to participate in that demonstration. Do we have a  
19 representative from Voting Technologies?

20 (Recess for demonstration was taken.)

21 MR. JENNINGS: Thank you for that demonstration. All  
22 right. Lou, do you have any comments with respect to the  
23 follow-up on this demonstration and their application?

24 MR. DEDIER: I would just kind of like to remind the  
25 members that this system has not been tested. So, therefore,

1 necessarily what you see isn't necessarily what you are going  
2 to get. On this one if we don't make it this month, on the  
3 next meeting of the 22nd, I will give you an update at the  
4 meeting that is scheduled. I will tell the Panel that we  
5 will have the information to you on the 10th of August.

6 Basically, you'll receive your binders on the 10th,  
7 also receive a reminder of any updates. If the advisory  
8 committee lags on any of their information, we'll follow that  
9 up and get it as it comes in.

10 Other than that, that would be it for today.

11 MR. JENNINGS: Thank you, Lou. We still have to act  
12 on a resolution for you to prepare a report for us. I guess  
13 it will be called a keynote report on any DRE problems in  
14 other states that are experienced, something that we can kind  
15 of refer to. Again, kind of a motion to that effect.

16 MR. REYNOLDS: Do we want to put any additional  
17 specifications on the report? We were doing it in a general  
18 sense, if there was a specific problem about printing.

19 MR. JENNINGS: There might be other problems that  
20 develop, too. So we might not want a report that is confined  
21 just to printing, but other problems that are experienced as  
22 well.

23 MR. GUTIERREZ: Mr. Chairman, let me at least offer a  
24 couple more thoughts that were going through my mind. I very  
25 much appreciate what Lou is planning to do. And I equally

1 appreciate John's points about what it is that we use as a  
2 standard for certification of equipment, and that is specific  
3 code sections. What I would find helpful is if we schedule  
4 at the next agenda meeting and allow Lou and John and myself  
5 and others who have an interest to carefully consider the  
6 issue of whether we want to apply standards for  
7 recertification, in effect.

8 I think particularly if we keep track of particular  
9 performance issues and we find that improvements need to be  
10 made, that we have the authority to do that, that we have  
11 carefully considered the data and that we can act to ensure  
12 that whatever problems are developing on the performance side  
13 are addressed in some fashion. I think that's a pretty  
14 substantive policy consideration and discussion, but that's  
15 kind of what was going through my mind on the printer issue.

16 I totally agree with the Chair, that my focus is not  
17 on the printer right now, but the overall performance of the  
18 system. And with more and more use it does begin to  
19 highlight certain things that we need to address.

20 MR. JENNINGS: I would hope that the report that  
21 staff prepared would highlight those problems and suggest  
22 changes, perhaps, in the standard specifications of  
23 certification.

24 MR. GUTIERREZ: And that's exactly my thought. But I  
25 was thinking rather than try to draft that motion now, maybe

1 at the next meeting staff could bring some discussion points  
2 and some thoughts, and we could be more focused and more  
3 productive. Anyway, that was just a thought, but obviously  
4 what the Chair believes is appropriate is fine.

5 MR. DEDIER: I can certainly gather information on  
6 what specific failures or maybe what other states are looking  
7 at with people who do the same type testing that I do.

8 I would like to probably hold off on that until  
9 September. September are the elections in Florida, which we  
10 are going to see a full deployment in this system on a good  
11 base. That will give us a lot of information and a lot of  
12 feedback on that point.

13 On what some of the pole workers think, weight of  
14 equipment, equipment in general, some of the failures that we  
15 are going to come across. I won't limit my report just to  
16 printers. I am going to be looking at that because that is a  
17 weak point in any system, is the printer. But at the same  
18 time I'll look at the overall pole of the elections for  
19 Florida and report back and basically combine that report,  
20 but keep it ongoing, come into our elections in November, any  
21 experiences that happen in Alameda or Riverside or positives  
22 that come out.

23 Riverside is going to not have printers. And  
24 Alameda, they are basically running printers. So we can  
25 compare those two and see what the pole workers are thinking.

1     So far since I have been with you guys about the past 16  
2     months, I have interviewed about 3,000 voters and interviewed  
3     close to 400 pole workers. And typically what the pole  
4     workers are asking for is more to do, more interaction.

5             The image of a pole worker is thought of being very  
6     -- not intelligent, not the brightest of people or elderly  
7     age, that maybe they are prohibited.

8             And I find that just the opposite when I interview  
9     them. They are very sharp and dedicated, and they are really  
10    into this process. They are not there for the money, that's  
11    for sure. They are there because they want to be there.

12            And this is one of the No. 1 complaints that I have  
13    heard about electronic systems from the pole worker, is they  
14    liked the ritual that they went through with paper closing  
15    the poles. It was kind of like a preemptive party. And all  
16    of a sudden it is too fast now.

17            As in Florida when I attended an election, they came  
18    back and said the problem in Sarasota was "They closed the  
19    poles so quick, we didn't have time to open the wine in the  
20    back. They are taking the fun out of it."

21            So if you can think of that, it is kind of, like --  
22    but that is a valid point. This is a ritual. They are not  
23    there for the money. They are there because they are  
24    dedicated United States citizens in California or in Florida.  
25    They are dedicated to the process. They are not there for

1 the money issue. To them they are doing this because they  
2 want to be there, and they want to be part of the process.

3 MR. JENNINGS: Perhaps a resolution wouldn't be  
4 necessary, that we can just simply ask staff to present to  
5 us, perhaps, for the next meeting, as John suggested, a  
6 review of, one, our certification standards as well as those  
7 that may in the future need to be modified and the reasons  
8 for that potential modification.

9 And then, also, it looks like you will not have an  
10 opportunity to really have a meaningful report with respect  
11 to the performance of the DRE machines until sometime after  
12 the Florida elections in September. So that would be for a  
13 future meeting. Is that okay with you?

14 MR. GUTIERREZ: That's perfect. And I'd like to hear  
15 from Steve as to what kind of legal authority we have to go  
16 beyond the certification standards. We may want to consider  
17 some new standards.

18 MR. TROUT: I think it is important that we do it  
19 sooner rather than later because all the counties have this  
20 money out there and are committing to a system. If we are  
21 going to make any major changes or have any change of course  
22 here, we need to let them know before they commit to a  
23 system.

24 MR. JENNINGS: All right. Thank you. Any other  
25 comments from members of the panel? Any comments from any

1 advisory committee members who are here today or from any of  
2 the members of the audience? All right. Then we'll close  
3 this meeting, and it is adjourned at 11:47.

4 (Whereupon the proceedings were concluded at 11:47  
5 a.m.)

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## REPORTER'S CERTIFICATE

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I, BALINDA DUNLAP, certify that I was the official court reporter and that I reported in shorthand writing the foregoing proceedings; that I thereafter caused my shorthand writing to be reduced to typewriting, and the pages included, constitute a full, true, and correct record of said proceedings:

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BALINDA DUNLAP, CSR NO. 10710, RPR, CRR, RMR